

SIXTY-FOURTH DAY

(Monday, May 3, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hartzog
Adkins	Heflin
Alexander	Herzik
Alsup	Holland
Amos	Hoskins
Baker	Howard
Bates	Huddleston
Beckworth	Hull
Bell	Hyder
Blankenship	Jackson
Boethel	James
Bond	Johnson of Ellis
Boyer	Johnson
Bradbury	of Tarrant
Bradford	Jones of Atascosa
Bridgers	Jones of Falls
Broadfoot	Jones of Wise
Brown	Keefe
Burton	Keith
Cagle	Kelt
Callan	Kenyon
Carssow	Kern
Cathey	King
Cauthorn	Knetsch
Celaya	Langdon
Cleveland	Lankford
Davis of Haskell	Lanning
Davis of Jasper	Leath
Davison of Fisher	Leonard
Davisson	Leyendecker
of Eastland	Little
Dean	Loggins
Deglandon	London
Derden	Lucas
Dickison	Mann
Dollins	Mauritz
England	Mays
Farmer	McConnell
Felty	McCracken
Fielden	McDonald
Fox	McFarland
Fuchs	McKee
Gibson	McKinney
Graves	Metcalfe
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Harbin	Morse
Hardin	Newton
Harper	Nicholson
Harrell	Oliver
Harris of Archer	Palmer
Harris of Dallas	Patterson
Harris of Dickens	of Travis

Petsch	Smith of Hopkins
Pope	Smith
Powell	of Matagorda
Prescott	Stevenson
Quinn	Stinson
Ragsdale	Stocks
Reader	Talbert
Reed of Bowie	Tarwater
Reed of Dallas	Tennant
Rhodes	Tennyson
Riddle	Thornberry
Roark	Thornton
Ross	Vale
Russell	Waggoner
Rutta	Walker
Schuenemann	Weldon
Settle	Westbrook
Sewell	Winfree
Sharpe	Wood
Shell	Worley
Skaggs	

Absent—Excused

Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Simpson for today, on motion of Mr. Sharpe.

Mr. Smith of Tarrant for today, on motion of Mr. Amos.

Mr. Patterson of Mills for today, on motion of Mr. McKee.

Mr. Jones of Angelina for today, on motion of Mr. Jones of Wise.

Mr. Colquitt for today, on motion of Mr. Thornton.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Huddleston:

H. B. No. 1152, A bill to be entitled "An Act declaring it unlawful to use seines or nets except those of a certain dimension for taking certain fish from the waters of Coryell County, Texas, excepting minnow seines from the provisions of this Act; providing size limits for fish taken in said County; prohibiting the sale of min-

nows and declaring it unlawful to transport more than one hundred and twenty-five (125) minnows at any one time beyond the borders of said County; prescribing a penalty for the violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Smith of Matagorda moved to introduce, at this time, and have placed on first reading, House Bill No. 1153.

The motion prevailed by the following vote:

Yeas—135

Adkins	Hardin
Alexander	Harper
Alsup	Harrell
Amos	Harris of Archer
Baker	Harris of Dallas
Bates	Harris of Dickens
Beckworth	Heflin
Bell	Holland
Blankenship	Hoskins
Boethel	Howard
Bond	Huddleston
Boyer	Hull
Bradbury	Hyder
Bradford	Jackson
Bridgers	James
Broadfoot	Johnson of Ellis
Brown	Johnson
Burton	of Tarrant
Cagle	Jones of Atascosa
Callan	Jones of Falls
Carssow	Jones of Wise
Cathey	Keefe
Cauthorn	Keith
Celaya	Kelt
Cleveland	Kenyon
Davis of Jasper	Kern
Davison of Fisher	King
Davison	Knetsch
of Eastland	Langdon
Dean	Lankford
Deglandon	Lanning
Derden	Leonard
Dickison	Leyendecker
Dollins	Little
England	Loggins
Farmer	London
Felty	Lucas
Fielden	Mann
Fox	Mauritz
Fuchs	Mays
Gibson	McConnell
Graves	McCracken
Hamilton	McDonald
Hankamer	McFarland
Harbin	McKee

McKinney	Settle
Moffett	Sewell
Monkhouse	Sharpe
Morris	Shell
Morse	Skaggs
Newton	Smith of Hopkins
Nicholson	Smith
Oliver	of Matagorda
Palmer	Stevenson
Patterson	Stinson
of Travis	Stocks
Petsch	Talbert
Pope	Tarwater
Powell	Tennant
Prescott	Thornberry
Quinn	Thornton
Ragsdale	Vale
Reed of Bowie	Waggoner
Reed of Dallas	Walker
Rhodes	Weldon
Riddle	Westbrook
Roark	Winfree
Russell	Wood
Rutta	Worley
Schuenemann	

Absent

Davis of Haskell	Metcalf
Hanna	Reader
Hartzog	Ross
Herzik	Tennyson
Leath	

Absent—Excused

Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Smith of Matagorda:

H. B. No. 1153, A bill to be entitled "An Act creating a Board for the lease of the land composing the permanent encampment for the Thirty-sixth Division, Texas National Guard, known as Camp Hulen, situated at or near Palacios in Matagorda County, Texas, and providing for the lease or sale of oil and gas and sulphur and other minerals therein and defining the duties and powers of said Board; prescribing the mode and manner of leasing and selling oil, gas and sulphur in said lands, and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expenses of enforcing this Act, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

EXTENDING INVITATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

Austin, Texas, May 1, 1937.

Hon. R. W. Calvert, Speaker, and Other Members of the House

Austin, Texas

Gentlemen:

We are planning to have our May Fete at the Austin State School May the 4th at 8:00 p. m., and would be glad for you and any Members of the House to be present at our program if you are interested and can spare the time.

Yours sincerely,

W. R. HAZLEWOOD,
Superintendent.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

Austin, Texas, May 3, 1937.

To the Members of the House of Representatives;

I am taking this means of thanking you, the House, for your help, and kindness rendered us in laying our mother, Mrs. Mae West, to rest. There is a picture printed in my mind of those who took upon themselves, to make possible that which looked hopeless, a beautiful burial for our mother. Again thanking you one and all for your kind assistance to us.

Respectfully yours,

Mrs. HAZEL ROGERS,
and KENNETH GOSS.

MESSAGE FROM THE SENATE

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 650.

The following have been appointed on the part of the Senate:

Senators Woodruff, Pace, Neal, Shivers and Burns.

Has passed

H. B. No. 438, A bill to be entitled "An Act to amend Chapter 51, Local

and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature as amended by Chapter 36, General Laws passed at the Regular Session of the Forty-third Legislature, pertaining to San Antonio Independent School District, by adding thereto Section 6a, authorizing the district to borrow money and to pledge its delinquent taxes levied for maintenance and operation expenses as security for such loans, ratifying and confirming such actions heretofore taken by the district and its governing board, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

RELATING TO APPOINTMENT OF A COMMITTEE TO MAKE CERTAIN INVESTIGATION

Mr. Sharpe offered the following resolution:

Whereas, The State Highway Department of Texas expends large sums of money each year in the construction, maintenance, and repair of concrete highways; and

Whereas, Said State Highway Department is required under the law to advertise for competitive bids and to award contracts to the lowest bidders for the concrete necessary in the work done by the said Highway Department in the repair and maintenance of the State Highway System and in the construction of small stretches of concrete highway, the cost of which does not justify the letting of competitive bids; and

Whereas, The State Highway Department has not received competitive bids in the real sense of the word for a period of at least ten (10) years for the reason that in almost every instance where competitive bids have been requested the six (6) manufacturers and producers of cement in the State of Texas have submitted identical tie bids on all cement which said Highway Department deemed necessary to buy. In said identical tie bids the State was not given the benefit of the lowest freight rate which would have been paid by the manufacturer nearest to the point of delivery of said cement, but said bids apparently have been based upon the price at the mill plus the highest freight rate which any of the six manufacturers and producers of

cement would have to pay in order to deliver said cement FOB cars at the designated point of delivery, with the result that the State pays a much higher price for cement than it should pay in order that each of the manufacturers and producers may bid the same price and make a substantial profit despite the differential in freight rates that each must pay from its respective plants to the point of delivery; and

Whereas, As illustrative of this condition, the State Highway Department advertised on March 29, 1937, for bids on the purchase of one hundred thirty-two (132) barrels of Portland Cement to be delivered FOB Waco, Texas, and of the six (6) manufacturers invited to bid, three (3) submitted proposals. One manufacturer was located in Waco with practically no freight to pay and made a bid of \$2.10 per barrel. The other manufacturers, which were located in Fort Worth and Dallas, respectively, and who had to pay freight rate at the rate of forty-three (43c) cents per barrel, also bid \$2.10 per barrel, and if the Waco manufacturer had received the same price in the mill that the other two manufacturers would receive on said bids and had given the State the benefit of the difference in freight which it would have paid over that which the Fort Worth and Dallas mills would have paid, the State would have saved something slightly less than forty-three (43c) cents per barrel in said purchase; and

Whereas, The books of the Highway Department are replete with illustrations of identical or similar occurrences throughout the State over a period of many years and said Highway Department in a letter under date of April 27, 1937, addressed to the State Board of Control estimates that this practice has cost the State at least \$90,000.00 in the past ten (10) years in connection with cement purchase for maintenance and repairs alone; and

Whereas, If the contractors who are successful bidders for the construction of concrete slab highways within this State have to pay similar unnecessary sums to said cement manufacturers, then the State is being further penalized in higher prices paid for the construction of said cement slab roads in an amount that will run into the hundreds of thou-

sands of dollars in the past ten years; and

Whereas, The said Highway Department advertised for bids on the ninth day of April, 1937, for certain cement to be delivered at Austin, Texas, and to be re-consigned to Llano, Texas, in order to save a substantial sum per barrel, but said re-consignment was refused by the manufacturers under circumstances described in said letter of the State Highway Department addressed to said State Board of Control as follows:

"That these trade agreements and trade practices do exist is only too well illustrated in a recent effort to purchase cement for use at Llano, Texas. Bids were taken on a certain grade of cement FOB Llano. Each manufacturer was furnished with a bid blank. The cement companies, as you know, will not bid directly, but two manufacturers selected two lumber firms at Llano to quote for them. Bids on the two brands were identical. The Highway Department considered the bids unreasonable and in an effort to secure a better price, took bids under identical specifications FOB Austin. Equal low quotations were received on three different makes of cement. These bids when figured showed a potential saving to the Department of \$99.20, if the companies would permit diversion. Effort was made to get each bidder to permit this diversion, but bidders, through their agents, refused in each case. Photostatic copies of all papers, orders, bids, etc., on this case are attached hereto. To date no explanation, verbal or written, has been made by any manufacturer of their unwillingness for the Highway Department to effect this saving on this purchase. Each company followed identical practice in placing conditions on the bill of lading that the material could not be diverted without permission of consignor. Such permission was refused in each case.

"The above case is only typical, but has been presented and fully supported to illustrate our contention that the Highway Department is being annually penalized to the extent of a potential saving of thousands of dollars. As an index to the condition and to substantiate how entrenched it has become, we are attaching hereto forty-one exhibits.

These exhibits have been taken at random from the requisition files of the maintenance department. These exhibits represent purchases of a total of 9,560 barrels of cement on which purchases, had the freight differential been considered in bidding, there could have been saved to the Highway Department \$2,212.84, or an average of approximately \$0.23 per barrel from the period September 1, 1936, through March 31, 1937. Bids were taken on 18,732 barrels which, at the above freight possible saving of \$0.23 per barrel would net a saving of approximately \$4,000.00." and;

Whereas, Practices of said cement manufacturers ought to be investigated to determine why the State cannot receive competitive bids in the true sense of the word, and further, why the State cannot receive the benefit of freight differentials instead of having to pay the highest freight rate of the alleged competitors who bid on a transaction, and why the State cannot buy on a wholesale basis directly from the manufacturers; therefore, be it

Resolved by the House of Representatives of the State of Texas:

Section 1. That a committee of seven (7) Members of the House shall be appointed by the Speaker whose duty it shall be to conduct an investigation into the affairs of the cement manufacturers and producers in Texas, their wholesale and retail agents and representatives and to investigate each and every purchase of cement in which the State is directly or indirectly interested and which the members of said committee shall deem to be necessary to a complete investigation of the matters set out in the preamble to this resolution, which said committee shall be fully authorized to investigate all matters germane or directly related to the subject of this resolution.

Section 2. Said committee shall have the power to formulate its own rules and regulations and procedure and to provide for its own hours of meeting and adjournment; said committee shall sit at such places within the State as it shall deem convenient to said investigation, and the sessions of the committee shall be open to the public, except that such sessions shall be closed if a majority of the members of said committee vote in favor

thereof, and the committee shall appoint its own secretary and employees.

Section 3. The committee shall have the power to issue process for witnesses at any place in this State and to compel their attendance and to compel them to produce books and records, and upon disobedience of any subpoena, the said committee shall have the power to issue attachments which may be addressed to and served either by the sergeant-at-arms appointed by said committee or any sheriff or constable of this State; said committee, through its employees, attorneys, or members, shall have the power to inspect and make copies of any books, records, and files of any cement manufacturer and producer or wholesale or retail representative of any cement manufacturer and producer, or any association of cement manufacturers and producers, and the committee shall have the power to examine and audit the books of any person, firm, or corporation or association having dealings with the State Highway Department or any manufacturer and producer or seller of cement, and specifically may inquire into the price paid for cement by contractors who are awarded contracts to construct concrete slab highways for the State Highway Department, but the grant of this specific power shall not be construed to restrict any of the other powers herein granted; the committee shall have the power to administer oaths and affirmations and fix the bonds and attach witnesses, and said committee shall also have all powers necessary to accomplish the purpose for which it is appointed.

Section 4. The witnesses attending said committee under process shall have allowed them the same mileage and per diem as is allowed witnesses in criminal cases in the District Court; and said committee shall have the power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors, and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation; said committee may call on the Attorney General's Department for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman of the committee or members thereof.

Section 5. Said committee shall begin its investigation at the earliest practical time and shall make its report to the next Regular Session of the Legislature or to any Special Session of the Legislature, if any, that may be held before the next Regular Session. The compensation and expenses herein authorized, in an amount not to exceed \$1000.00, shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Regular Session of the Forty-fifth Legislature of Texas, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee and Chairman of Contingent Expense Fund.

Section 6. If the committee, from said investigation, determines that the cement manufacturers and producers of Texas by themselves or together with other manufacturers and producers of cement, have formed a trust or conspiracy to fix prices or to create a monopoly or have entered into any other agreement or have established practices which are contrary to public policy and to the best interests of the State and the people thereof, then said committee shall recommend appropriate legislation in its report for the enactment of proper laws to correct such evils as may be found and to remedy such practices, conspiracies, trusts, and monopolies, if any.

SHARPE,
BRADBURY,
RUSSELL,
JONES of Atascosa,
HARDIN,
KNETSCH,
PALMER,
RHODES.

The resolution was read second time.

Mr. Harris of Dallas raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Prescott moved that the resolution period be extended for the purpose of considering the above resolution.

The motion was lost.

EXTENDING CONGRATULATIONS OF THE HOUSE TO R. R. WILLIAMS

Mr. Kern offered the following resolution:

Whereas, Mr. R. R. (Uncle Bob) Williams of Cumby, Texas, was a valuable and distinguished Member of the House of Representatives in the Twenty-seventh, Thirty-third and Thirty-fourth Legislatures; and

Whereas, He is the only surviving Member of the Twenty-seventh and Thirty-fourth Legislatures; and

Whereas, He was once a candidate for Governor and was defeated in the run-off by a small margin; and

Whereas, He distinguished himself during the Civil War as a brave and valiant member of the Confederate Army; and

Whereas, Unble Bob celebrated his Ninety-eighth birthday at his home in Cumby on last Saturday, May 1; now, therefore, be it

Resolved, That the Members of the House of Representatives of the Forty-fifth Legislature extend to him their congratulations for having lived such a honorable and worthwhile life, and attained such a ripe old age; and our best wishes for many happy birthdays to follow; and, be it further

Resolved, That the Chief Clerk be instructed to send a copy of this resolution to Uncle Bob at his home in Cumby, Texas.

KERN,
ALSUP.

The resolution was read second time, and was unanimously adopted.

TO PROVIDE FOR JOINT RULES FOR THE HOUSE AND SENATE

Mr. Petsch offered the following resolution:

H. C. R. No. 116, To provide for Joint Rules for the House and Senate.

Whereas, The Governor of the State of Texas, in the exercise of his constitutional prerogative, has on this day vetoed the conference committee report on House Joint Resolution No. One, heretofore adopted by the Legislature of Texas; and

Whereas, As a result of such veto the Legislature of Texas is operating without any Joint Rules; and

Whereas, Joint Rules are necessary in order to dispatch the joint business of the Senate of Texas and the House of Representatives; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the following shall constitute the Joint Rules of the two Houses:

JOINT RULES OF THE TWO HOUSES

Disagreement Between the Two Houses

1. In case of a disagreement between the two Houses on a bill, resolution, or other matter, if a request is made for a conference by one House and a committee is appointed for that purpose, and the other House grants the request and appoints a committee to confer, such committee shall, at a convenient hour to be agreed upon by their chairmen, meet in conference and state to each other verbally or in writing, as either shall choose, the positions of their respective Houses in regard to the matters in disagreement and confer freely thereon.

2. After either House shall have adhered to its disagreement, a bill, resolution, or other matter shall be lost.

3. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

Communications Between the Two Houses

4. When a message is sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person delivering same.

The same ceremony shall be observed when a message is sent from the House of Representatives to the Senate.

5. All messages between the Houses relating to the passage or rejection of any bill, resolution or other matter shall be on paper and properly addressed to the presiding officer of the House to which the message is sent, and shall be under the signature of the Secretary of the Senate or the Chief Clerk of the House, as the case may be. All such messages shall be printed in full in the Journal of the House receiving same.

6. In the transmission of a bill or resolution from one House to the

other, such bill or resolution shall be accompanied by all papers upon which such bill or resolution is founded.

Consideration of Bills in the Respective Houses and the Final Passage Thereof

7. When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate, and which is substantially the same as said Senate bill, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

8. When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, and which is substantially the same as said House bill, or to lay such Senate bill before the House to be considered in lieu of such House bill.

9. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature. (Constitution, Article III, Section 37.) No vote shall be taken upon the passage of any bill within the last twenty-four hours of the Session, unless it be to correct an error therein.

10. In reckoning the time within which a bill has been introduced, the date of its first introduction in either House shall govern.

Enrolling and Signing of Bills and Resolutions and Their Presentation to the Governor

11. After a bill shall have passed both Houses, it shall be duly enrolled on paper, with all proper endorsements by the Enrolling Clerk of the House of Representatives or of the Senate, as the bill may have originated in the one or the other House, and properly signed by the presiding officer of each House as required by the Constitution before it shall be presented to the Governor.

12. When bills are enrolled, they may be examined by a joint commit-

tee of three Members from the Senate and three Members from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the bills as passed in the House, and carefully correct any errors that may be discovered in the enrolled bills, and make their report forthwith to the respective Houses. Said report shall be accompanied by a copy of said bill as a part of said report, which said copy may be typewritten or printed, partly written and printed, or written and partly printed, and, unless it is a local bill, it shall be printed in the Journal of the House or Senate to which said report is made.

13. After examination and report each bill shall be signed in the respective Houses, first by the presiding officer of the House in which it originates, then by the presiding officer of the other House, in accordance with Article III, Section 38, of the Constitution.

After a bill shall have been signed in each House, it shall be presented to the Governor for his approbation by the Enrolling Committee of the House in which it originated. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated.

14. All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

Election by Joint Vote of the Two Houses

15. In all elections by joint vote of the two Houses of the Legislature, the Senate, upon invitation, will meet the House in its Hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The Speaker of the House will preside. The names of the Senators shall then be alphabetically called, after which the names of the Representatives shall be called in like manner, and if a quorum of both Houses answers to their names, the two

Houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by the Secretary and their votes recorded by him. The names of the Representatives shall then be called by the Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receives a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two Houses have met in Joint Session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered in the Journal of each House.

16. If a quorum of either House shall fail to attend a Joint Session, or absent themselves therefrom without the permission of such House, the Members of the House so wanting a quorum shall have the right to compel the attendance of the absentees in accordance with its own rules; and, after a reasonable time, if a quorum is not obtained, the Joint Session may be adjourned by the vote of a majority of the Members of either House, which vote shall be taken by the presiding officer of either House, on the motion of any one of its Members, without debate.

17. If no choice shall have been made on the first ballot or vote, at any time thereafter the Joint Session may be adjourned, with or without naming another day for meeting, by a vote of a majority of either House, which vote shall be taken by the presiding officer of either House, on the motion of any one of its Members, without debate.

Conference Committees

18. In all conferences between the Senate and the House by committee, the number of committeemen from each House shall be five (5), and all votes on matters of differences shall be taken by each committee separately, and it shall require a majority of each committee present concurring upon the matter in dispute to determine it. The reports of all conference committees must be signed by a majority of each committee of the conference.

Notification of Defeated Measure

19. When a bill, joint or concurrent resolution has been defeated in the Senate or in the House (or defeated in a committee of the respective Houses, the Secretary of the Senate or the Chief Clerk of the House, as the case may be, shall immediately notify the other House of the defeat of said bill or resolution and transmit a copy of the caption of such defeated bill or resolution.

House and Senate Bill Days

20. On calendar Wednesday and Thursday only of each week, House bills on their third and second readings, respectively, shall be taken up and considered in the Senate until disposed of; and in case a House bill should be pending at adjournment on Thursday, it shall go over as unfinished business to the next day and have precedence over all other business.

21. On calendar Wednesday and Thursday only of each week, Senate bills on their third and second readings, respectively, shall be taken up and considered in the House until disposed of; and in case a Senate bill should be pending at adjournment on Thursday, it shall go over as unfinished business to the next day and have precedence over all other business.

The resolution was read second time, and was referred, by the Speaker, to the Committee on Rules.

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, Senate Concurrent Resolution No. 55, Granting Dr. H. R. Allman permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted.

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, Senate Concurrent Resolution No. 59, Granting J. A. Thedford permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted.

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 110, Granting Floyd Arnwine permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

Yeas—127

Adkins	Harbin
Alexander	Hardin
Alsup	Harper
Amos	Harrell
Baker	Harris of Archer
Bates	Harris of Dallas
Beckworth	Harris of Dickens
Bell	Hartzog
Blankenship	Heflin
Boethel	Holland
Bond	Hoskins
Boyer	Howard
Bradford	Huddleston
Bridgers	Hull
Broadfoot	Hyder
Brown	Jackson
Burton	James
Callan	Johnson of Ellis
Carssow	Johnson
Cathey	of Tarrant
Cauthorn	Jones of Atascosa
Cleveland	Jones of Falls
Davis of Haskell	Jones of Wise
Davison of Fisher	Keefe
Davisson	Keith
of Eastland	Kelt
Deglandon	Kenyon
Derden	Kern
Dickison	King
England	Knetsch
Farmer	Langdon
Fielden	Lankford
Fox	Lanning
Fuchs	Leonard
Gibson	Leyendecker
Hamilton	Little
Hankamer	Loggins
Hanna	London

Lucas	Ross	Gibson	McKinney
Mann	Russell	Hankamer	Moffett
Mays	Rutta	Hardin	Morse
McConnell	Schuenemann	Harris of Archer	Nicholson
McCracken	Settle	Harris of Dallas	Patterson
McDonald	Sewell	Hoskins	of Travis
McFarland	Sharpe	Jackson	Petsch
McKee	Shell	James	Pope
Metcalfe	Skaggs	Jones of Atascosa	Reed of Dallas
Moffett	Smith of Hopkins	Kenyon	Stinson
Monkhouse	Smith	Knetsch	Tennant
Morris	of Matagorda	Leonard	Thornton
Morse	Stinson	McCracken	Wood
Newton	Stocks	McKee	
Nicholson	Talbert		Nays—98
Oliver	Tennant	Adkins	Kern
Palmer	Tennyson	Alsup	King
Patterson	Thornberry	Amos	Langdon
of Travis	Thornton	Bates	Lankford
Petsch	Vale	Beckworth	Leyendecker
Powell	Waggoner	Bell	Little
Prescott	Walker	Blankenship	Loggins
Quinn	Weldon	Boethel	London
Ragsdale	Westbrook	Bond	Lucas
Reader	Winfree	Bradbury	Mann
Reed of Bowie	Wood	Bridgers	Mauritz
Reed of Dallas	Worley	Broadfoot	Mays
Roark		Brown	McConnell
	Absent	Cagle	McDonald
Bradbury	Leath	Callan	McFarland
Cagle	Mauritz	Cathey	Metcalfe
Celaya	McKinney	Cauthorn	Monkhouse
Davis of Jasper	Pope	Cleveland	Morris
Dean	Rhodes	Davis of Haskell	Newton
Dollins	Riddle	Davis of Jasper	Oliver
Felty	Stevenson	Davison of Fisher	Palmer
Graves	Tarwater	Davisson	Powell
Herzik		of Eastland	Prescott
	Absent—Excused	Dean	Quinn
Colquitt	Simpson	Deglandon	Ragsdale
Jones of Angelina	Smith of Tarrant	Derden	Reed of Bowie
Patterson of Mills		Dickison	Rhodes
		Dollins	Riddle
		England	Roark
		Farmer	Ross
		Fielden	Russell
		Fox	Rutta
		Graves	Schuenemann
		Hamilton	Settle
		Hanna	Sewell
		Harbin	Sharpe
		Harper	Skaggs
		Harris of Dickens	Smith of Hopkins
		Heflin	Stocks
		Herzik	Talbert
		Holland	Tarwater
		Huddleston	Tennyson
		Hyder	Thornberry
		Johnson of Ellis	Vale
		Johnson	Waggoner
		of Tarrant	Walker
		Jones of Falls	Weldon
		Jones of Wise	Westbrook
		Keefe	Winfree
		Kelt	Worley

RELATIVE TO HOUSE JOINT RESOLUTION NO. 2

Mr. Worley moved to reconsider the vote by which the House, on last Friday, adopted the conference committee report on House Joint Resolution No. 2.

Mr. Stinson moved to table the motion by Mr. Worley.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—32

Alexander	Burton
Boyer	Carssow
Bradford	Felty

	Absent
Baker	Lanning
Celaya	Leath
Fuchs	Reader
Harrell	Shell
Hartzog	Smith
Howard	of Matagorda
Hull	Stevenson
Keith	

Absent—Excused

Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

Question next recurring on the motion to reconsider the vote by which the conference committee report was adopted, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—103

Adkins	Herzik
Alsup	Holland
Amos	Huddleston
Baker	James
Bates	Johnson of Ellis
Bell	Johnson
Blankenship	of Tarrant
Boethel	Jones of Falls
Bond	Jones of Wise
Bradbury	Keefe
Bridgers	Kern
Broadfoot	King
Brown	Knetsch
Cagle	Langdon
Callan	Lankford
Carssow	Leyendecker
Cathey	Little
Cauthorn	Loggins
Cleveland	London
Davis of Haskell	Lucas
Davis of Jasper	Mann
Davison of Fisher	Mauritz
Davisson	Mays
of Eastland	McConnell
Dean	McDonald
Deglandon	McFarland
Derden	Metcalfe
Dickison	Monkhouse
Dollins	Morris
England	Newton
Farmer	Nicholson
Fielden	Oliver
Fox	Palmer
Graves	Petsch
Hamilton	Powell
Hanna	Prescott
Hardin	Quinn
Harper	Ragsdale
Harris of Dickens	Reed of Bowie
Heflin	Rhodes

Riddle	Talbert
Roark	Tarwater
Ross	Tennyson
Russell	Thornberry
Rutta	Vale
Schuenemann	Waggoner
Settle	Walker
Sewell	Weldon
Sharpe	Westbrook
Skaggs	Winfree
Smith of Hopkins	Wood
Stevenson	Worley
Stocks	

Nays—26

Alexander	Leonard
Boyer	McCracken
Bradford	McKee
Burton	McKinney
Felty	Moffett
Gibson	Morse
Hankamer	Patterson
Harris of Archer	of Travis
Harris of Dallas	Pope
Hoskins	Reed of Dallas
Hyder	Stinson
Jackson	Tennant
Jones of Atascosa	Thornton
Kenyon	

Absent

Beckworth	Keith
Celaya	Kelt
Fuchs	Lanning
Harbin	Leath
Harrell	Reader
Hartzog	Shell
Howard	Smith
Hull	of Matagorda

Absent—Excused

Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

Question—Shall the motion by Mr. Stinson, that the report be adopted, prevail?

Mr. Stinson withdrew the pending motion, heretofore made, that the report be adopted.

Mr. Roark moved that the report be not adopted and that the report be referred back to the same conference committee for further consideration.

Mr. Worley moved, as a substitute motion, that the report be not adopted, that same be sent back to a conference committee, and that a new committee be appointed to adjust the differences between the two Houses.

Mr. Mays raised a point of order, on further consideration of the pend-

ing motion, on the ground that there is no provision for conference committees, inasmuch as the House and Senate now have no Joint Rules.

The Speaker overruled the point of order.

Question first recurring on the substitute motion by Mr. Worley, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—100

Adkins	Kern
Alsup	King
Amos	Knetsch
Baker	Langdon
Bates	Lankford
Beckworth	Lanning
Bell	Leyendecker
Blankenship	Little
Boethel	Loggins
Bond	London
Boyer	Lucas
Bridgers	Mann
Broadfoot	Mauritz
Brown	Mays
Callan	McConnell
Carssow	McDonald
Cathey	McFarland
Cauthorn	Metcalfe
Cleveland	Monkhouse
Davis of Haskell	Morris
Davis of Jasper	Newton
Davison of Fisher	Oliver
Davisson	Palmer
of Eastland	Petsch
Deglandon	Powell
Derden	Prescott
Dickison	Quinn
Dollins	Ragsdale
England	Reed of Bowie
Farmer	Rhodes
Fielden	Riddle
Fox	Roark
Graves	Ross
Hamilton	Russell
Hanna	Rutta
Harbin	Sewell
Hardin	Sharpe
Harper	Skaggs
Harris of Dickens	Smith of Hopkins
Heflin	Smith
Herzik	of Matagorda
Holland	Stocks
Huddleston	Talbert
Hull	Tarwater
James	Tennyson
Johnson of Ellis	Thornberry
Johnson	Vale
of Tarrant	Waggoner
Jones of Falls	Weldon
Jones of Wise	Winfrey
Keefe	Worley
Kelt	

Nays—29

Alexander	Leonard
Bradbury	McCracken
Bradford	McKee
Burton	McKinney
Felty	Moffett
Gibson	Morse
Hankamer	Nicholson
Harris of Archer	Patterson
Harris of Dallas	of Travis
Hoskins	Pope
Hyder	Reed of Dallas
Jackson	Settle
Jones of Atascosa	Stinson
Keith	Thornton
Kenyon	Wood

Absent

Cagle	Reader
Celaya	Schuenemann
Dean	Shell
Fuchs	Stevenson
Harrell	Tennant
Hartzog	Walker
Howard	Westbrook
Leath	

Absent—Excused

Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

Mr. Worley moved to reconsider the vote by which the substitute motion was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Leonard moved that the conference committee on House Joint Resolution No. 2 be instructed not to remove from the report that provision which limits the source of revenue to payrolls.

Mr. Worley moved to table the motion by Mr. Leonard.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—80

Adkins	Cathey
Amos	Cauthorn
Baker	Cleveland
Bates	Davis of Haskell
Beckworth	Davis of Jasper
Bell	Davison of Fisher
Blankenship	Davisson
Bond	of Eastland
Bradbury	Deglandon
Broadfoot	Dollins
Brown	England
Carssow	Farmer

Felty	McFarland
Fielden	Metcalfe
Fox	Moffett
Fuchs	Morris
Hamilton	Newton
Hanna	Oliver
Harbin	Palmer
Hardin	Powell
Harper	Prescott
Harris of Dickens	Ragsdale
Heflin	Rhodes
Herzik	Roark
Huddleston	Ross
Jones of Falls	Russell
Jones of Wise	Rutta
Keefe	Sewell
Kern	Sharpe
King	Skaggs
Langdon	Smith of Hopkins
Lankford	Tarwater
Lanning	Tennyson
Loggins	Thornberry
London	Vale
Lucas	Weldon
Mann	Westbrook
Mauritz	Winfree
Mays	Wood
McConnell	Worley
McDonald	

Nays—47

Alsup	Kenyon
Boethel	Knetsch
Boyer	Leonard
Bradford	Leyendecker
Bridgers	Little
Burton	McKee
Callan	Monkhouse
Derden	Morse
Gibson	Nicholson
Graves	Patterson
Hankamer	of Travis
Harris of Archer	Petsch
Harris of Dallas	Pope
Hartzog	Quinn
Hoskins	Reed of Bowie
Hull	Reed of Dallas
Hyder	Settle
Jackson	Smith
James	of Matagorda
Johnson of Ellis	Stinson
Johnson	Stocks
of Tarrant	Talbert
Jones of Atascosa	Thornton
Keith	Waggoner
Kelt	Walker

Absent

Alexander	Howard
Cagle	Leath
Celaya	McCracken
Dean	McKinney
Dickison	Reader
Harrell	Riddle
Holland	Schuenemann

Shell	Tennant
Stevenson	
Absent—Excused	
Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

HOUSE BILL NO. 1071 WITH
SENATE AMENDMENTS

Mr. McDonald called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1071, A bill to be entitled "An Act to be designated as Article 2350m providing for traveling expenses for members of the Commissioners' Court in certain counties in this State, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. McDonald, the House concurred in the Senate amendments by the following vote:

Yeas—127

Adkins	Graves
Alsup	Hamilton
Amos	Hankamer
Baker	Hanna
Bates	Hardin
Beckworth	Harper
Bell	Harris of Archer
Blankenship	Harris of Dallas
Boethel	Harris of Dickens
Bond	Hartzog
Boyer	Heflin
Bradbury	Herzik
Bradford	Holland
Bridgers	Hoskins
Broadfoot	Huddleston
Brown	Hull
Burton	Hyder
Callan	James
Carssow	Johnson of Ellis
Cathey	Johnson
Cauthorn	of Tarrant
Cleveland	Jones of Falls
Davis of Haskell	Jones of Wise
Davis of Jasper	Keefe
Davison of Fisher	Keith
Davison	Kelt
of Eastland	Kenyon
Deglandon	Kern
Derden	King
Dollins	Knetsch
England	Langdon
Farmer	Lankford
Felty	Lanning
Fielden	Leonard
Fox	Leyendecker
Gibson	Little

Loggins
London
Lucas
Mann
Mauritz
Mays
McConnell
McDonald
McFarland
McKee
McKinney
Metcalf
Moffett
Monkhouse
Morris
Morse
Newton
Nicholson
Oliver
Palmer
Patterson
of Travis
Petsch
Pope
Powell
Prescott
Quinn
Ragsdale
Reader
Reed of Bowie

Reed of Dallas
Rhodes
Roark
Ross
Russell
Rutta
Schuenemann
Settle
Sewell
Sharpe
Shell
Skaggs
Smith of Hopkins
Smith
of Matagorda
Stinson
Stocks
Talbert
Tarwater
Tennyson
Thornberry
Thornton
Vale
Waggoner
Weldon
Westbrook
Winfree
Wood
Worley

Absent

Alexander
Cagle
Celaya
Dean
Dickson
Fuchs
Harbin
Harrell
Howard
Jackson
Jones of Atascosa
Leath
McCracken
Riddle
Stevenson
Tennant
Walker

Absent—Excused

Golquitt
Jones of Angelina
Patterson of Mills
Simpson
Smith of Tarrant

HOUSE BILL NO. 1057 WITH
SENATE AMENDMENTS

Mr. Smith of Hopkins called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1057. A bill to be entitled "An Act providing that in certain counties convicts, either laying their fines out in jail or working such fines out on the County Farm or on the county roads or other public works shall receive a credit therefor of \$1.00 per day for each day worked, or spent in jail, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Smith of Hopkins, the House concurred in the Senate amendments by the following vote:

Yeas—129

Adkins	Jones of Atascosa
Alsup	Jones of Falls
Amos	Jones of Wise
Bates	Keefe
Beckworth	Keith
Bell	Kelt
Blankenship	Kenyon
Boethel	Kern
Bond	King
Boyer	Knetsch
Bradbury	Langdon
Bradford	Lankford
Bridgers	Lanning
Broadfoot	Leonard
Brown	Leyendecker
Burton	Little
Callan	Loggins
Carssow	London
Cathey	Lucas
Cauthorn	Mauritz
Cleveland	Mays
Davis of Haskell	McConnell
Davis of Jasper	McDonald
Davison of Fisher	McFarland
Davison	McKinney
of Eastland	Metcalf
Deglandon	Moffett
Derden	Monkhouse
Dollins	Morris
England	Morse
Farmer	Newton
Felty	Nicholson
Fielden	Oliver
Fox	Palmer
Fuchs	Patterson
Gibson	of Travis
Graves	Petsch
Hamilton	Pope
Hankamer	Powell
Hanna	Prescott
Harbin	Quinn
Hardin	Ragsdale
Harper	Reader
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Dickens	Rhodes
Hartzog	Riddle
Heflin	Roark
Herzik	Ross
Holland	Russell
Hoskins	Rutta
Huddleston	Schuenemann
Hull	Settle
Hyder	Sewell
Jackson	Sharpe
James	Shell
Johnson of Ellis	Skaggs
Johnson	Smith of Hopkins
of Tarrant	

Smith	Thornton
of Matagorda	Vale
Stinson	Waggoner
Stocks	Walker
Talbert	Weldon
Tarwater	Winfree
Tennyson	Wood
Thornberry	Worley

Absent

Alexander	Leath
Baker	Mann
Cagle	McCracken
Celaya	McKee
Dean	Stevenson
Dickison	Tennant
Harrell	Westbrook
Howard	

Absent—Excused

Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

Mr. Smith of Hopkins moved to reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 1057.

The motion to reconsider prevailed.

Mr. Smith of Hopkins withdrew the motion that the House concur in the Senate amendments.

Mr. Smith of Hopkins moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 275 WITH SENATE AMENDMENTS

Mr. Boyer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 275, A bill to be entitled "An Act to provide for the repurchase of land located in Dallam and Hartley Counties heretofore set apart to build the Capital of the State of Texas, that has been recovered by the State, and repurchased as provided by the laws of this State and forfeited or that is subject to being forfeited for nonpayment of interest or principal accrued prior to the date of the passage of this Act, and giving a preference right to the owners of such lands or part thereof at any time within ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms

and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by Acts of 1926, Thirty-ninth Legislature, First Called Session, page 43, Chapter 25, etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Boyer, the House concurred in the Senate amendments by the following vote:

Yeas—120

Adkins	James
Alsup	Johnson of Ellis
Amos	Johnson
Bates	of Tarrant
Beckworth	Jones of Atascosa
Bell	Jones of Falls
Blankenship	Jones of Wise
Boethel	Keefe
Bond	Keith
Boyer	Kelt
Bradbury	Kenyon
Bradford	Kern
Bridgers	King
Brown	Knetsch
Burton	Langdon
Callan	Lankford
Carssow	Lanning
Cathey	Leonard
Cauthorn	Leyendecker
Cleveland	Little
Davis of Haskell	Loggins
Davis of Jasper	London
Davison of Fisher	Lucas
Deglandon	Mann
Derden	Mays
Dollins	McConnell
England	McDonald
Farmer	McFarland
Felty	McKinney
Fielden	Metcalf
Fox	Moffett
Gibson	Monkhouse
Hamilton	Morris
Hankamer	Morse
Hanna	Newton
Harbin	Oliver
Hardin	Palmer
Harper	Patterson
Harrell	of Travis
Harris of Archer	Pope
Harris of Dallas	Powell
Harris of Dickens	Prescott
Hartzog	Ragsdale
Heflin	Reader
Herzik	Reed of Bowie
Holland	Reed of Dallas
Hoskins	Rhodes
Huddleston	Riddle
Hull	Roark
Hyder	Ross
Jackson	Russell

Rutta	Tennyson
Schuenemann	Thornberry
Settle	Thornton
Sewell	Vale
Shell	Waggoner
Smith of Hopkins	Walker
Smith	Weldon
of Matagorda	Westbrook
Stocks	Wood
Talbert	Worley
Tarwater	
	Absent
Alexander	Mauritz
Baker	McCracken
Broadfoot	McKee
Cagle	Nicholson
Celaya	Petsch
Davisson	Quinn
of Eastland	Sharpe
Dean	Skaggs
Dickison	Stevenson
Fuchs	Stinson
Graves	Tennant
Howard	Winfree
Leath	
	Absent—Excused
Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

**CONFERENCE COMMITTEE
REPORT ON HOUSE BILL
NO. 765**

Mr. Fielden submitted the following Conference Committee Report on House Bill No. 765:

Austin, Texas, April 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Hon. Walter F. Woodul, President of the Senate.

Austin, Texas

Gentlemen:

We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 765, have had same under consideration and beg leave to report that we recommend the passage of said House Bill No. 765 in the form attached hereto.

Respectfully submitted,

VAN ZANDT,
BECK,
PACE,
NEAL,
WINFIELD,

On the part of the Senate.

FIELDEN,
HARPER,
CELAYA,
WAGGONER,

On the part of the House.

H. B. No. 765

**A BILL
To Be Entitled**

An Act amending Article 2350 of the Revised Civil Statutes of 1925 as amended by Chapter 362, Acts of the Forty-fourth Legislature, so as to add thereto a new section to be known as 2350(4); providing for the salaries of Commissioners in certain counties; providing for actual and necessary expenses for Commissioners in the conduct of office in certain counties; providing for approval thereof; fixing population and assessed valuation as brackets therein, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 2350, as amended by Chapter 362, Acts of the Forty-fourth Legislature, Regular Session, be amended so as to add thereto a new section to be known as Section 2350(4), and to hereafter read as follows:

"Section 2350(4). In all counties in this State having a population of not less than ten thousand three hundred and seventy (10,370) and not more than ten thousand four hundred and seventy-five (10,475) according to the last preceding Federal Census, County Commissioners shall receive an annual salary of One Thousand Two Hundred (\$1,200.00) Dollars, payable in twelve (12) equal monthly installments out of such funds belonging to such counties as is now provided by law; in all counties having a population of not less than nine thousand seven hundred and fifteen (9,715) and not more than ten thousand and sixty (10,060) according to the last preceding Federal Census, County Commissioners shall receive an annual salary of Nine Hundred (\$900.00) Dollars, payable in twelve (12) equal monthly installments out of such funds belonging to such counties as is now provided by law, and the salaries herein fixed is in lieu of the compensation for such Commissioners as is now provided by law. In all counties having a population of not less than twenty-four thousand and sixty-five (24,065) and not more than twenty-four thousand one hundred and eighty-five (24,185) according to the last preceding Federal Census, County Commissioners shall receive an an-

nual salary of One Thousand Eight Hundred (\$1,800.00) Dollars, payable in twelve (12) equal monthly installments out of such funds belonging to such counties as is now provided by law. Providing that the salaries and compensation of each of the County Commissioners in counties having a taxable valuation of not less than Forty-seven Million (\$47,000,000.00) Dollars, according to the last available approved tax rolls for such counties, and having a population of not more than seven thousand eight hundred and forty-five (7,845) according to the last Federal Census, shall be not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum, payable in equal monthly installments. Providing that the salaries and compensation of the County Commissioners in counties with a taxable valuation of not less than Thirty Million (\$30,000,000.00) Dollars, and not more than Forty Million (\$40,000,000.00) Dollars according to the tax rolls as prepared by the assessor and collector of taxes of the respective counties for the preceding year, and having within their boundaries two incorporated cities of more than thirteen thousand five hundred (13,500) population each, according to the last preceding Federal Census, shall be not to exceed Two Thousand Four Hundred (\$2,400.00) Dollars annually, payable in equal monthly installments; and in addition to their regular salaries each of such Commissioners shall receive their actual and necessary expenses incurred in the conduct of their offices in an amount not to exceed Fifty (\$50.00) Dollars per month, payable out of the Road and Bridge Fund of such counties on sworn claims, and approved by the County Auditor of such counties. Providing that in all counties in this State having a population of not less than forty-one thousand (41,000) and not more than forty-two thousand (42,000) according to the last preceding Federal Census, the County Commissioners shall in addition to their regular salaries as now provided by law receive their actual and necessary expenses incurred in the conduct of their office in an amount not to exceed Fifty (\$50.00) Dollars per month, payable out of the Road and Bridge Fund of such counties on sworn claims and approved by the County Auditor of such Counties."

Section 2. The fact that members of the Commissioners Court are

greatly under paid and the further fact that the amount of work encumbered upon said officers is daily increasing, create an emergency and an imperative public necessity requiring that the Constitutional Rule requiring that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall become effective from and after its passage, and it is so enacted.

On motion of Mr. Fielden, the report was adopted by the following vote:

Yeas—126

Adkins	Hartzog
Alsup	Heflin
Amos	Holland
Baker	Hoskins
Bates	Huddleston
Beckworth	Hull
Bell	Hyder
Blankenship	Jackson
Boethel	James
Bond	Johnson of Ellis
Boyer	Johnson
Bradbury	of Tarrant
Bradford	Jones of Falls
Bridgers	Jones of Wise
Broadfoot	Keith
Brown	Kelt
Burton	Kenyon
Callan	Kern
Carsow	King
Cathey	Knetsch
Cauthorn	Langdon
Cleveland	Lankford
Davis of Haskell	Lanning
Davis of Jasper	Leonard
Davison of Fisher	Leyendecker
Davisson	Little
of Eastland	Loggins
Dean	London
Deglandon	Lucas
Derden	Mann
Dickison	Mauritz
Dollins	Mays
Farmer	McConnell
Felty	McDonald
Fielden	McFarland
Fox	McKinney
Fuchs	Metcalfe
Gibson	Moffett
Graves	Monkhouse
Hamilton	Morris
Hankamer	Morse
Hanna	Newton
Harbin	Oliver
Hardin	Patterson
Harper	of Travis
Harrell	Petsch
Harris of Archer	Pope
Harris of Dallas	Powell
Harris of Dickens	Prescott

Ragsdale	Stevenson
Reader	Stocks
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennyson
Riddle	Thornberry
Roark	Thornton
Russell	Vale
Rutta	Waggoner
Schuenemann	Walker
Settle	Weldon
Sewell	Westbrook
Sharpe	Winfree
Shell	Wood
Smith of Hopkins	Worley
Smith of Matagorda	

Absent

Alexander	McCracken
Cagle	McKee
Celaya	Nicholson
England	Palmer
Herzik	Quinn
Howard	Ross
Jones of Atascosa	Skaggs
Keefe	Stinson
Leath	Tennant

Absent—Excused

Colquitt	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 138, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or re-election of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or re-election of any

person as the head of such department; and prescribing certain other regulations and restrictions in respect to the appropriations made herein, and declaring an emergency."

S. B. No. 140, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary Institutions of the State of Texas for the two-year period beginning September 1, 1937, and ending August 31, 1939, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations, and declaring an emergency."

S. B. No. 331, A bill to be entitled "An Act to amend Chapter 246, page 624, Acts of the Forty-fourth Legislature, being Section 10 of Article 6066a, Subsections (b) and (c), and amending Section 13, Article 6049e, Revised Civil Statutes of 1925, as amended, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 476 and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed, on the part of the Senate:

Senators Moore, Redditt, Cotten, Brownlee and Winfield.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE ON
HOUSE JOINT RESOLUTION
NO. 2

The Speaker announced the appointment of the following conference committee, on the part of the House, on House Joint Resolution No. 2:

Messrs. Stinson, Moffett, Worley, Roark and Davisson of Eastland.

HOUSE BILL NO. 111 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 111, A bill to be entitled "An Act to amend Articles 7101, Chapter 4, Title 122, Articles 7162, 7174, Chapter 6, Title 122, and Articles 7183, 7184, 7192, 7193, 7204, 7214, 7215, 7216, 7221 and 7224, Chapter 7, Title 122, Revised Civil Statutes of Texas of 1925."

The bill having heretofore been read second time.

Question—Shall House Bill No. 111 pass to engrossment?

SENATE BILLS ON FIRST
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 138, to the Committee on Appropriations.

Senate Bill No. 140, to the Committee on Appropriations.

Senate Bill No. 331, to the Committee on Judiciary.

EXTENDING CONGRATULATIONS
TO HON. AND MRS. CHARLES
D. RUTTA

Mr. Bradbury offered the following resolution:

Whereas, Mr. and Mrs. Charles D. Rutta are the proud parents of a beautiful baby girl that was born Friday afternoon, May 1, 1937; and

Whereas, This blessed event is one that brings happiness to their home and something to engage their attention during the years to come; therefore, be it

Resolved by the House of Representatives, That we now extend to this young lady our good will and best wishes and invite her to visit us as soon as she can; and, be it further

Resolved, That her parents be instructed to rear her to be a good Democrat throughout the days of her life.

BRADBURY,
CAUTHORN,
CLEVELAND.

The resolution was read second time, and was adopted.

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 1137, "An Act appropriating any and all unexpended balances remaining of that certain appropriation made by the Forty-fourth Legislature, Regular Session, 1935. Section Seven (7) of Chapter 131, being Senate Bill Number 467, as shown by the Acts of said Session, page 359, et seq., for the location, establishment, erection, equipment and completion of a Tuberculosis Sanatorium for negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing the rules and regulations governing the expenditure thereof, and declaring an emergency."

H. B. No. 1008, "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of providing for the registration, preservation of the purity of blood, and improvement in the breeding of any species or class of livestock, and to keep, maintain and publish in suitable form the history, record and pedigree thereof, and declaring an emergency."

H. B. No. 137, "An Act authorizing trustees of common school districts and common consolidated school districts to make contracts with superintendents and principals providing for the length of time of such employment, and declaring an emergency."

S. B. No. 141, "An Act making certain emergency appropriations for the office of the Secretary of State, and declaring an emergency."

S. B. No. 80, "An Act authorizing and empowering all water improvement districts created and organized under Chapter 2 of Title 128, Revised Civil Statutes of Texas, to levy, assess and collect an annual tax, and declaring an emergency."

S. B. No. 113, "An Act to amend Chapter 209 of the Acts of the Regular Session of the Forty-third Legislature so as to define the rights and duties of the State Board of Education."

S. B. No. 193, "An Act authorizing private corporations heretofore incorporated for the purpose of op-

erating street or interurban railways to amend their charters so as to include as an additional purpose of the corporations the acquiring, owning and operating of motor vehicles and motor busses, and declaring an emergency."

S. B. No. 386, "An Act creating the Panhandle Water Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties, providing for its officers and the amount and manner of compensating same and their duties and powers; providing for the diversion of certain State ad valorem taxes, and declaring an emergency."

H. B. No. 1115, "An Act to validate the organization and creation of all county line rural high school districts, created by General Law or by County Boards of Trustees; validating the Acts of said County Boards of Trustees and Boards of Trustees of such districts; . . . etc., and declaring an emergency."

H. B. No. 146, "An Act amending Article 5142 of the Revised Civil Statutes of 1925, as amended by the Acts of 1927, Fortieth Legislature, Chapter 228; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main purpose of this Act, and declaring an emergency."

H. B. No. 1108, "An Act amending Article 2327, Revised Civil Statutes of Texas, 1925, as amended by Chapter 59, Acts of the Forty-first Legislature, Second Called Session, and declaring an emergency."

H. B. No. 392, "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 1091, "An Act validating the creation and organization of independent school districts, and validating the action of any County Board of Trustees with reference to the creation of school districts out of another independent school district, making this Act applicable to certain counties according to the last preceding Federal Census, and providing that no part of this Act shall affect any litigation now pending, and that only acts passed by four-fifths majority of the County Board of

Trustees shall be valid, and declaring an emergency."

H. B. No. 441, "An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended by House Bill No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature of 1936; and to repeal Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session, as relates to the payment of taxes; and to amend Article 4769, Revised Civil Statutes of 1925, as amended by said House Bill 8 above referred to; and to amend Article 7064a, as enacted by House Bill 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature aforesaid; and amending Article 7064 relating to insurance companies, corporations, reciprocals and other organizations or concerns transacting the business of fire, marine, marine inland, accident, credit, title livestock, fidelity, guaranty, surety, casualty or any other kind or character of insurance business other than life insurance and fraternal benefit associations; . . . etc., and declaring an emergency."

S. J. R. No. 16, Proposing an amendment to Article III, Section 52 of the Constitution of the State of Texas.

H. C. R. No. 114, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 654.

H. C. R. No. 81, To grant Cleo Fletcher permission to sue the State.

RECESS

Mr. Harris of Dallas moved that the House recess until 2:15 o'clock p. m., today.

Mr. Hoskins moved that the House recess until 2:00 o'clock p. m., today.

Question first recurring on the motion to recess until 2:00 o'clock p. m., today, it prevailed, and the House, accordingly, at 12:05 o'clock p. m., took recess until 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Howard was granted leave of absence for this afternoon, and tem-

porarily for this morning, on account of important business, on motion of Mr. Thornberry.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Baker:

H. B. No. 1155, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the Constable shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2,400.00) Dollars, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Davison of Fisher moved to introduce, at this time, and have placed on first reading, House Bill No. 1154.

The motion prevailed by the following vote:

Yeas—118

Adkins	Davisson
Alexander	of Eastland
Alsup	Deglandon
Amos	Dickison
Baker	England
Bates	Farmer
Beckworth	Fielden
Bell	Gibson
Blankenship	Graves
Boethel	Hamilton
Bond	Hankamer
Boyer	Hanna
Bridgers	Harbin
Broadfoot	Hardin
Brown	Harper
Burton	Harris of Archer
Cagle	Harris of Dallas
Callan	Harris of Dickens
Cathey	Heflin
Cauthorn	Herzik
Celaya	Holland
Cleveland	Hoskins
Colquitt	Huddleston
Davis of Haskell	Hull
Davis of Jasper	Hyder
Davison of Fisher	Jackson

James	Patterson
Johnson of Ellis	of Travis
Jones of Atascosa	Petsch
Jones of Falls	Pope
Jones of Wise	Powell
Keefe	Prescott
Keith	Quinn
Kelt	Reed of Bowie
Kenyon	Reed of Dallas
Kern	Rhodes
King	Riddle
Knetsch	Roark
Langdon	Ross
Lankford	Russell
Lanning	Rutta
Leath	Schuenemann
Leonard	Settle
Loggins	Sharpe
London	Shell
Lucas	Skaggs
Mann	Smith
Mauritz	of Matagorda
Mays	Stevenson
McConnell	Stinson
McDonald	Stocks
McKee	Talbert
Metcalfe	Tennyson
Moffett	Thornberry
Monkhouse	Thornton
Morris	Waggoner
Newton	Walker
Nicholson	Weldon
Oliver	Westbrook
Palmer	Winfree
	Wood

Nays—1

Bradford

Present—Not Voting

Derden

Absent

Bradbury	Little
Carssow	McCracken
Dean	McKinney
Dollins	Morse
Felty	Ragsdale
Fox	Reader
Fuchs	Sewell
Harrell	Smith of Hopkins
Hartzog	Tarwater
Johnson	Tennant
of Tarrant	Vale
Leyendecker	Worley

Absent—Excused

Howard	Patterson of Mills
Jones of Angelina	Simpson
McFarland	Smith of Tarrant

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Davison of Fisher:

H. B. No. 1154, A bill to be entitled "An Act amending Article 2797, Re-

vised Civil Statutes of Texas, and declaring an emergency."

Referred to the Committee on Education.

Mr. Boyer moved to introduce, at this time, and have placed on first reading, House Bill No. 1156.

The motion prevailed by the following vote:

Yeas—125

Adkins	Johnson
Alexander	of Tarrant
Alsup	Jones of Atascosa
Amos	Jones of Falls
Baker	Jones of Wise
Beckworth	Keefe
Bell	Keith
Blankenship	Kelt
Boethel	Kenyon
Bond	Kern
Boyer	King
Bradbury	Knetsch
Bradford	Langdon
Bridgers	Lankford
Broadfoot	Lanning
Burton	Leath
Callan	Leyendecker
Carssow	Little
Cathey	Loggins
Cauthorn	London
Celaya	Lucas
Cleveland	Mauritz
Colquitt	Mays
Davis of Haskell	McConnell
Davis of Jasper	McCracken
Deglandon	McDonald
Derden	McKee
England	McKinney
Farmer	Metcalfe
Felty	Moffett
Fielden	Monkhouse
Fox	Morris
Gibson	Morse
Graves	Newton
Hamilton	Nicholson
Hankamer	Oliver
Hanna	Palmer
Harbin	Patterson
Hardin	of Travis
Harper	Petsch
Harrell	Pope
Harris of Archer	Powell
Harris of Dallas	Prescott
Harris of Dickens	Quinn
Heflin	Ragsdale
Herzik	Reed of Bowie
Holland	Reed of Dallas
Hoskins	Rhodes
Huddleston	Riddle
Hyder	Roark
Jackson	Russell
James	Rutta
Johnson of Ellis	Schuenemann

Settle	Talbert
Sewell	Tennant
Sharpe	Tennyson
Shell	Thornberry
Skaggs	Thornton
Smith of Hopkins	Waggoner
Smith	Walker
of Matagorda	Weldon
Smith of Tarrant	Winfree
Stinson	Wood
Stocks	Worley

Absent

Bates	Hartzog
Brown	Hull
Cagle	Leonard
Davison of Fisher	Mann
Davisson	Reader
of Eastland	Ross
Dean	Stevenson
Dickison	Tarwater
Dollins	Vale
Fuchs	Westbrook

Absent—Excused

Howard	Patterson of Mills
Jones of Angelina	Simpson
McFarland	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Boyer:

H. B. No. 1156, A bill to be entitled "An Act amending House Bill Number 579 passed at the Regular Session of the Forty-fourth Legislature, 1935, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Ragsdale moved to introduce, at this time, and have placed on first reading, House Bill No. 1157.

The motion prevailed by the following vote:

Yeas—131

Adkins	Broadfoot
Alexander	Burton
Alsup	Callan
Amos	Carssow
Baker	Cathey
Bates	Cauthorn
Beckworth	Celaya
Bell	Cleveland
Blankenship	Colquitt
Boethel	Davis of Haskell
Bond	Davis of Jasper
Boyer	Davison of Fisher
Bradbury	Davisson
Bradford	of Eastland
Bridgers	Deglandon

Derden	McCracken
Dickison	McDonald
England	McFarland
Farmer	McKee
Felty	McKinney
Fielden	Metcalf
Fox	Moffett
Gibson	Monkhouse
Graves	Morris
Hamilton	Morse
Hankamer	Newton
Hanna	Nicholson
Harbin	Oliver
Hardin	Palmer
Harper	Patterson
Harrell	of Travis
Harris of Archer	Petsch
Harris of Dallas	Pope
Harris of Dickens	Powell
Hartzog	Prescott
Heflin	Quinn
Herzik	Ragsdale
Holland	Reader
Hoskins	Reed of Bowie
Huddleston	Reed of Dallas
Hyder	Rhodes
Jackson	Riddle
James	Russell
Johnson of Ellis	Rutta
Johnson	Schuenemann
of Tarrant	Settle
Jones of Atascosa	Sewell
Jones of Falls	Sharpe
Jones of Wise	Shell
Keefe	Skaggs
Keith	Smith of Hopkins
Kenyon	Smith
Kern	of Matagorda
King	Smith of Tarrant
Knetsch	Stinson
Langdon	Stocks
Lankford	Talbert
Lanning	Tennant
Leonard	Tennyson
Leyendecker	Thornberry
Little	Thornton
Loggins	Waggoner
London	Walker
Lucas	Weldon
Mann	Westbrook
Mauritz	Wood
Mays	Worley
McConnell	
Absent	
Brown	Leath
Cagle	Roark
Dean	Ross
Dollins	Stevenson
Fuchs	Tarwater
Hull	Vale
Kelt	Winfrey
Absent—Excused	
Howard	Patterson of Mills
Jones of Angelina	Simpson

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Ragsdale, Mr. Derden, Mr. Cagle, Mr. Jones of Falls, Mr. Harrell and Mr. Patterson of Travis:

H. B. No. 1157, A bill to be entitled "An Act making an emergency appropriation of money for the Home for Dependent and Neglected Children at Waco, Texas, for the purpose of erecting a new dormitory and equipping the same, and declaring an emergency."

Referred to the Committee on Appropriations.

BILLS ORDERED NOT PRINTED

On motion of Mr. McFarland (by unanimous consent), Senate Bill No. 477 was ordered not printed.

On motion of Mr. Metcalfe (by unanimous consent), Senate Bill No. 496 was ordered not printed.

On motion of Mr. Boyer (by unanimous consent), Senate Bill No. 486 was ordered not printed.

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 726, A bill to be entitled "An Act (1 and 2) to create and establish San Antonio River Canal and Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a Governmental Agency, a Body Politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act; (3) designating the area to be embraced in the District and making provision for excluding lands from, or adding lands to, the area of the District and prescribing the manner for so doing; . . . etc., and providing a day upon which this Act is to be effective."

Respectfully,

BOB BARKER,

Secretary of the Senate.

CHANGE IN CONFERENCE COMMITTEE ANNOUNCED

The Speaker announced the appointment of Mr. Baker, as a member of

the conference committee on House Joint Resolution No. 2, to take the place of Mr. Roark, resigned.

(Mr. Derden in the Chair.)

HOUSE BILL NO. 111 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 111, relative to the assessment and collection of taxes, on its passage to engrossment.

The bill having heretofore been read second time.

Mr. Wood offered the following amendment to the bill:

Amend House Bill No. 111, by striking out line 13, page 1.

WOOD,
REED of Bowie,
HARDIN.

Mr. Kelt moved the previous question on the pending amendment, and the engrossment of House Bill No. 111, and the main question was ordered.

Question recurring on the amendment by Mr. Wood, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 68; nays, 62.

Mr. England and Mr. McFarland requested a verification of the vote.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—65

Adkins	Hanna
Alexander	Harbin
Alsup	Hardin
Beckworth	Harrell
Blankenship	Harris of Dallas
Boyer	Harris of Dickens
Bradbury	Hartzog
Bradford	Heflin
Bridgers	Huddleston
Broadfoot	Hull
Brown	Hyder
Burton	Jackson
Cagle	James
Callan	Jones of Atascosa
Cathey	Kenyon
Dickison	Knetsch
Dollins	Lankford
Farmer	Leonard
Felty	Little
Fielden	Lucas
Gibson	Mays
Hankamer	McConnell

McKee
McKinney
Newton
Nicholson
Oliver
Palmer
Petsch
Pope
Prescott
Ragsdale
Reed of Bowie

Riddle
Russell
Schuenemann
Settle
Sharpe
Shell
Stevenson.
Stinson
Weldon
Wood

Nays—63

Amos	Leyendecker
Baker	Loggins
Bates	London
Bell	Mann
Boethel	McCracken
Bond	McDonald
Carssow	McFarland
Cauthorn	Metcalfe
Celaya	Moffett
Cleveland	Monkhouse
Colquitt	Morris
Davis of Haskell	Morse
Davis of Jasper	Patterson
Davison of Fisher	of Travis
Davisson	Powell
of Eastland	Quinn
Deglandon	Reader
England	Rhodes
Fox	Roark
Graves	Ross
Hamilton	Rutta
Harris of Archer	Skaggs
Herzik	Smith
Johnson of Ellis	of Matagorda
Jones of Falls	Stocks
Jones of Wise	Talbert
Keefe	Tennant
Keith	Tennyson
Kelt	Thornberry
Kern	Thornton
King	Waggoner
Langdon	Walker
Lanning	Westbrook

Present—Not Voting

Derden	Winfree
Harper	

Absent

Dean	Mauritz
Fuchs	Reed of Dallas
Holland	Sewell
Hoskins	Smith of Hopkins
Johnson	Tarwater
of Tarrant	Vale
Leath	Worley

Absent—Excused

Howard	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

The Chair announced that the amendment was adopted.

NOTICE GIVEN

Mr. Farmer gave notice that he would, on the next legislative day, call up the motion to reconsider the vote by which House Joint Resolution No. 8 failed to pass, which motion to reconsider was heretofore spread on the Journal.

EXTENDING CONGRATULATIONS OF THE HOUSE TO HON. B. J. LEYENDECKER

Mr. McDonald offered the following resolution:

Whereas, Today is the birthday of our esteemed Fellow-Member the Honorable B. J. "Bonnie" Leyendecker, and Mr. Leyendecker has the distinction of being the Senior Member of our honorable body; therefore, be it

Resolved, That we express our congratulations to Mr. Leyendecker on this his 71st anniversary, and that we extend to him the wish that he enjoy many more happy years.

McDONALD,
BRIDGERS,
HOLLAND,
BLANKENSHIP,
RHODES.

The resolution was read second time, and was adopted.

ADDITIONAL SIGNER OF HOUSE BILL NO. 11

By unanimous consent of the House, the following Member was authorized to sign bill, as co-author of same, as follows:

Mr. Bell, House Bill No. 11.

COMMUNICATION TO CHIEF CLERK

The Chair laid before the House, and had read the following communication:

The White House,
Washington, April 27, 1937.

Mrs. Louise Snow Phinney,
Chief Clerk, House of Representatives,
Austin, Texas.

My Dear Mrs. Phinney:

The President has asked me to thank you for your telegram of April twenty-seventh, conveying a resolution adopted by the Texas Legislature, inviting the President to address a

Joint Session of the House of Representatives and State Senate during his coming visit to Texas.

The President very deeply appreciates this courteous invitation, and regrets very much that he cannot, while on this visit, address the Legislature. He asks if you will be good enough to convey to the Members of both Houses his very real appreciation.

With all good wishes,

Sincerely yours,

M. H. McINTYRE,
Assistant Secretary
to the President.

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate refused to grant the request of the House for a new conference committee on House Joint Resolution No. 2.

I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on House Bill No. 765 by the following vote: Yeas, 31; Nays, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 144 ON SECOND READING

Mr. Reed of Dallas moved to take up for consideration, at this time,

H. B. No. 144, A bill to be entitled "An Act to correct malpractice in the building construction industry by safeguarding the public against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment of the Board; fixing the terms of office; providing for appointment of their successors and for filling vacancies; fixing the qualifications of the members of said Board; requiring each member to take the oath of office and file same with the Secretary of State; providing for the election of various officers of said Board; requiring the bonding of the secretary-treasurer; providing for the adoption of necessary rules, regulations, and by-laws of said Board to govern its proceedings and activities;

prescribing the duties of the various members of said Board; providing for fees collected by said Board to be deposited in a special fund in the State Treasury; providing for an appropriation from said fund to pay salaries, compensations, and other expenses of said Board; etc., and declaring an emergency."

The bill having heretofore been laid on the table subject to call.

The motion prevailed.

The Chair then laid the bill before the House, and it was read second time.

Mr. Prescott offered the following amendment to the bill:

Amend House Bill No. 144, Section 7, page 7, by striking out line 4 to line 10, inclusive, ending with the word "examination", and substitute the following:

"All persons now engaged in the profession must take and pass the examination before a license will be issued, except those having experience of 20 years or more."

PRESCOTT,
HARDIN.

The amendment was adopted.

Mr. Jones of Wise offered the following committee amendment to the bill:

Amend House Bill No. 144, Section 2, by striking out the words and figures "ten (10)", and substituting in lieu thereof "five (5)".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 144 was then passed to engrossment.

HOUSE BILL NO. 144 ON THIRD READING

Mr. Reed of Dallas moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 144 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Alexander	Bates
Alsup	Bell
Amos	Blankenship
Baker	Bond

Boyer	Lanning
Bradbury	Leath
Bradford	Leonard
Brown	Leyendecker
Burton	Little
Cagle	Loggins
Carssow	Mann
Cathey	Mauritz
Celaya	Mays
Cleveland	McConnell
Colquitt	McCracken
Davis of Haskell	McFarland
Davis of Jasper	McKee
Davison of Fisher	McKinney
Davisson	Moffett
of Eastland	Monkhouse
Deglandon	Morris
Dickison	Morse
England	Newton
Farmer	Nicholson
Felty	Oliver
Fox	Patterson
Gibson	of Travis
Hamilton	Powell
Hankamer	Prescott
Hanna	Quinn
Harbin	Reader
Harper	Reed of Dallas
Harris of Archer	Riddle
Harris of Dallas	Roark
Harris of Dickens	Ross
Hartzog	Russell
Heflin	Settle
Herzik	Sharpe
Holland	Skaggs
Hoskins	Smith of Hopkins
Hyder	Smith
Jackson	of Matagorda
James	Stinson
Johnson of Ellis	Stocks
Johnson	Talbert
of Tarrant	Tennant
Jones of Atascosa	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Keefe	Vale
Keith	Waggoner
Kelt	Walker
King	Westbrook
Knetsch	Winfree
Langdon	

Nays—17

Beckworth	Lucas
Bridgers	Palmer
Broadfoot	Pope
Callan	Reed of Bowie
Fielden	Rhodes
Hardin	Sewell
Huddleston	Stevenson
Kern	Weldon
Lankford	

Present—Not Voting

Derden

Absent

Adkins	McDonald
Boethel	Metcalfe
Cauthorn	Petsch
Dean	Ragsdale
Dollins	Rutta
Fuchs	Schuenemann
Graves	Shell
Harrell	Tarwater
Hull	Wood
Kenyon	Worley
London	

Absent—Excused

Howard	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

The Chair then laid House Bill No. 144 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—83

Adkins	Jones of Falls
Alexander	Jones of Wise
Amos	Keefe
Baker	Keith
Bates	Kelt
Bell	Kenyon
Blankenship	King
Boethel	Knetsch
Bradbury	Langdon
Bradford	Lanning
Brown	Leath
Burton	Leonard
Carsow	Leyendecker
Cathey	Little
Celaya	Joggins
Colquitt	Mann
Davis of Haskell	Mauritz
Davisson	Mays
of Eastland	McConnell
Dickison	McCracken
England	McFarland
Farmer	McKee
Felty	Moffett
Fox	Morris
Gibson	Morse
Hankamer	Newton
Hanna	Nicholson
Harbin	Patterson
Harper	of Travis
Harris of Dallas	Reader
Heflin	Reed of Dallas
Herzik	Roark
Hyder	Ross
Jackson	Russell
James	Settle
Johnson	Sharpe
of Tarrant	Shell

Smith of Hopkins	Tennyson
Smith	Thornberry
of Matagorda	Thornton
Stinson	Waggoner
Stocks	Walker
Talbert	Winfree
Tennant	

Nays—39

Alsup	Kern
Beckworth	Lankford
Bond	Lucas
Boyer	McKinney
Bridgers	Monkhouse
Broadfoot	Oliver
Cagle	Palmer
Callan	Pope
Davis of Jasper	Powell
Deglandon	Prescott
Fielden	Quinn
Hamilton	Reed of Bowie
Hardin	Rhodes
Harris of Archer	Riddle
Hartzog	Sewell
Holland	Skaggs
Hoskins	Stevenson
Huddleston	Weldon
Johnson of Ellis	Westbrook
Jones of Atascosa	

Present—Not Voting

Derden

Absent

Cauthorn	McDonald
Cleveland	Metcalfe
Davison of Fisher	Petsch
Dean	Ragsdale
Dollins	Rutta
Fuchs	Schuenemann
Graves	Tarwater
Harrell	Vale
Harris of Dickens	Wood
Hull	Worley
London	

Absent—Excused

Howard	Simpson
Jones of Angelina	Smith of Tarrant
Patterson of Mills	

Mr. Reed of Dallas moved to reconsider the vote by which House Bill No. 144 was passed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 306, A bill to be entitled "An Act supplemental to and amending Article 6341, Revised Civil Statutes of Texas, 1925, relating to the powers of railroad corporations, enlarging their charter powers; . . . etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 11 ON SECOND READING

Mr. Knetsch moved that the regular order of business be suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 11, A bill to be entitled "An Act defining public utilities and providing for their regulation; creating the Public Utilities Commission of Texas, and fixing the qualifications, duties, powers, and compensation of the members thereof; providing the jurisdiction of said Public Utilities Commission and the manner in which such jurisdiction shall be exercised; providing the manner of conducting proceedings before said Public Utilities Commission; providing the manner in which the said Public Utilities Commission may pass orders and providing for appeals from the same to the courts of this State; providing penalties for the violation of this Act; raising revenues and making appropriations to support said Commission; providing for the repeal of all laws and parts of laws in conflict herewith; providing that if any section, clause or other provision of this Act be held unconstitutional or otherwise invalid or unenforceable, such holding shall not affect the validity of the remaining portion of this Act, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—92

Adkins	Cagle
Alsup	Carssow
Amos	Cleveland
Baker	Davis of Haskell
Bates	Davis of Jasper
Beckworth	Davison of Fisher
Bell	Davisson
Boethel	of Eastland
Bond	Deglandon
Bradford	Dickison
Broadfoot	England
Brown	Felty
Burton	Fielden

Gibson	McConnell
Hamilton	McCracken
Hankamer	Metcalfe
Harbin	Moffett
Harper	Monkhouse
Harrell	Morris
Harris of Archer	Morse
Harris of Dickens	Newton
Heflin	Oliver
Herzik	Patterson
Holland	of Travis
Hoskins	Powell
Huddleston	Quinn
Hyder	Rhodes
Jackson	Riddle
Johnson of Ellis	Roark
Johnson	Ross
of Tarrant	Russell
Jones of Atascosa	Settle
Jones of Falls	Sharpe
Jones of Wise	Skaggs
Keefe	Smith
Keith	of Matagorda
Kelt	Stevenson
Kern	Stocks
King	Talbert
Langdon	Tennant
Lankford	Tennyson
Lanning	Thornberry
Leath	Thornton
Loggins	Waggoner
Lucas	Walker
Mann	Weldon
Mauritz	Westbrook
Mays	Winfree

Nays—20

Blankenship	Leonard
Callan	Leyendecker
Cathey	McFarland
Celaya	McKee
Colquitt	McKinney
Hanna	Nicholson
Hardin	Pope
Harris of Dallas	Prescott
Hartzog	Reed of Bowie
James	Stinson

Present—Not Voting

Derden

Absent

Alexander	Kenyon
Boyer	Knetsch
Bradbury	Little
Bridgers	London
Cauthorn	McDonald
Dean	Palmer
Dollins	Petsch
Farmer	Ragsdale
Fox	Reader
Fuchs	Reed of Dallas
Graves	Rutta
Hull	Schuenemann

Sewell
Shell
Smith of Hopkins
Tarwater

Vale
Wood
Worley

Absent—Excused

Howard
Jones of Angelina
Patterson of Mills

Simpson
Smith of Tarrant

Mr. Leonard raised a point of order, on consideration of House Bill No. 11, at this time, on the ground that a similar bill has been defeated in the Senate.

The Chair overruled the point or order.

The Chair then laid the bill before the House, and it was read second time.

Mr. Knetsch offered the following committee amendment to the bill:

(Pending consideration of the amendment, Mr. Leonard occupied the Chair temporarily.)

(Mr. Derden in the Chair.)

Amend H. B. No. 11, by striking out all below the enacting clause and insert in lieu thereof the following:

Article 1. Definitions.

Section 1. (Definitions)

(a) The term "corporation" when used in this Act, includes a private corporation, an association, a joint stock association and a business trust.

(b) The term "person" when used in this Act, includes a natural person, a partnership of two or more persons having a bond or common interest, and a corporation as hereinbefore defined.

(c) The term "public utility" when used in this Act, includes persons, corporations and/or their lessees, trustees and receivers now or hereafter owning or operating in this State equipment or facilities for,

(1) Generating, transmitting, delivering, furnishing, transporting or conveying gas, electricity or electric energy for the production of light, heat or power, to or for the public for compensation or for the purpose of supplying or selling gas or electric energy to any public utility.

(2) Conveying or transmitting messages or communications by telephone or telegraph, where such service is offered to the public for compensation.

(3) The term "public utility" shall, for rate making purposes only, include any person furnishing any of the fore-

going services to another person for distribution to or for the public for compensation.

The term "public utility" shall not include any person not otherwise a public utility, who furnished the services or commodity only to himself, his employees or tenants when such service or commodity is not resold to or used by others. The business of any public utility other than of the character defined in sub-divisions 1 to 3, inclusive, of sub-divisions (c) of this section is not subject to the provisions of this Act.

(d) The term "rate", when used in this Act, means and includes every compensation, charge, fare, toll, rental and classification, or any of them, demanded, observed, charged or collected by any public utility for any service, product or commodity offered by it to the public, and any rules, regulations, practices or contracts affecting any such compensation, charge, fare, toll, rental or classification.

(e) The word "Department", when used in this Act, shall refer to the Public Service Department of Texas unless otherwise indicated.

Article II. Powers Conferred Upon the Department.

Section 1. The Department, after notice and hearing, shall fix and establish and enforce reasonable rates and regulations for producing, transporting, distributing, buying selling, or delivering any product, commodity or service of any public utility; and shall establish fair and equitable rules and regulations for the full control and supervision of such public utilities and all their holdings in all their relations to the public and other persons, as the Department may from time to time deem proper, whether inter-related or not. Nothing contained herein shall be construed as limiting the power, authority and jurisdiction of the Department over public utilities, but the Department shall have full and complete power, authority and jurisdiction to do and perform any act and to promulgate any order it deems necessary to effectively carry out the provisions of this Act; and this power, authority and jurisdiction of the Department shall extend over such utilities wherever they are doing business in Texas. The jurisdiction of the Department may be invoked upon complaint of any interested person, or upon the Department's own motion.

Sec. 2. Appeal From City Control.

When a city government has ordered any existing rate reduced, the utility affected by such order may appeal to the Department by filing with it on such terms and conditions as the Department may direct, a petition and bond to review the decision, regulation, ordinance, or order of the city, town or municipality. Upon such appeal being taken, the Department shall set a hearing and may make such order or decision in regard to the matter involved therein as it may deem just and reasonable. Whenever any public utility whose rates have been fixed by any municipal government, desires a change of any of its rates, rentals or charges, it shall make its application to the municipal government where such utility is located and such municipal government shall determine said application within sixty days after presentation, unless the determination thereof may be longer deferred by agreement. If the municipal government should reject such application or fail or refuse to act on it within sixty days, then the utility may appeal to the Department as herein provided. But said Department shall determine the matters involved in any such appeals within sixty days after the filing of such appeal with the Department or such further time as such utility shall in writing agree to, but the rates fixed by such municipality shall remain in full force and effect until ordered changed by the Department.

Sec. 3. Review of Orders.

All orders and agreements of any person, corporation, or public utility establishing and prescribing prices, rates, rules and regulations and conditions of service shall be subject to review, revision and regulation by the Department on a hearing, after notice, as provided for herein, to the person, corporation or public utility owning or controlling or operating the utility affected.

Sec. 4. Appeals From Orders.

If any public utility or other party at interest be dissatisfied with the decisions of any rate, classification, rule, charge, order, act or regulation adopted by the Department, such dissatisfied utility or party may file a petition setting forth the particular cause of objection thereto in a court of competent jurisdiction in Travis County against the Department as defendant. Said action shall have

precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil causes in said court. Either party to said action may have the right of appeal; and said appeal shall be at once returnable to the appellate court, and said action so appealed shall have precedence in said appellate court of all causes of a different character therein pending. If the court be in session at the time such right of action accrues, the suit may be filed during such term and stand ready for trial after ten days notice. In all trials under this article the burden of proof shall rest upon the plaintiff, who must show by clear and satisfactory evidence that the rates, regulations, orders, classifications, acts or charges complained of are unreasonable and unjust to it or them.

Article III. Organization of Department and Office.**Section 1. Commissioners — Appointment—Term.**

A Department, to be known as the "Public Service Department of Texas", is hereby created. It shall consist of three members, who shall be appointed by the Governor from the State at large, with the approval of the Senate, and who shall have and exercise the jurisdiction and powers herein conferred upon the Department. Immediately after this Act takes effect, the Governor shall, with the approval of the Senate, appoint one member of the Department whose term shall expire two years after appointment; one member whose term shall expire four years after appointment; and one member whose term shall expire six years after appointment. At the expiration of each of the above named terms, there shall be appointed in the same manner, one member of the Department to hold office for a term of six years. Each Commissioner shall hold office until his successor is appointed and qualified. The Governor shall appoint one member as Chairman of the Department. Each Commissioner shall devote his full time to the duties of said Department.

Sec. 2. Oath of Office—Eligibility.

Before entering upon the duties of his office, each Commissioner shall take and subscribe to the Constitutional oath of office, and shall, in addition thereto, swear that he is not pecuniarily interested in any public utility, as herein defined, as employee,

stockholder, security holder or bondholder, and if any such commissioner thereafter becomes thus pecuniarily interested in any public utility, he shall be removed from his office by the Governor.

Sec. 3. Vacancies.

Whenever a vacancy in the office of Commissioner occurs, it shall be filled in the manner provided herein with respect to original appointment, except that the Governor may make interim appointments, to continue until the vacancy can be filled in the manner provided; and any person appointed to fill a vacancy shall hold office during the unexpired portion of the term.

Sec. 4. Secretary. The Department shall appoint a Secretary who shall hold office during its pleasure. It shall be the duty of the Secretary to keep a full and true record of all proceedings of the Department, and to perform such other duties as the Department may prescribe.

Sec. 5. Salaries. The annual salary of each Commissioner shall be \$6,000.00, payable in equal monthly installments. The Department shall, on the assumption of office by the three Commissioners thereof, appoint the following:

(a) A Department Counsel, who shall be a licensed attorney, at a salary not to exceed \$5,000.00 per annum.

(b) A Chief Accountant at a salary not to exceed \$4,800.00 per annum.

(c) A Chief Valuation Engineer at a salary not to exceed \$4,800.00 per annum.

(d) A Chief Statistician at a salary not to exceed \$4,000.00 per annum.

(e) An Official Reporter, who shall have the same qualifications and shall receive the same compensation as the Official Court Reporters of Travis County.

(f) A Secretary at a salary not to exceed \$3,600.00 per annum.

(g) Such Examiners, as it may require, not to exceed three, at a salary of \$4,000.00 each per annum; assistant counsellors as the Department may think necessary, not to exceed three, at a salary not to exceed \$3,600.00 each per annum; assistant engineers, not to exceed three, at a salary of not to exceed \$3,600.00 per

annum; assistant statisticians, not to exceed three, at a salary not to exceed \$3,600.00 each per annum; assistant auditors, not to exceed three, at a salary not to exceed \$3,600.00 each per annum, and who shall hold office during the pleasure of the Commissioners.

(h) The Department shall have authority to employ such additional employees as in its judgment is necessary to efficiently carry out the provisions of this Act.

(i) The Department may, whenever the need therefor shall in its opinion exist, employ such stenographic and clerical help as it thinks necessary at a salary not to exceed \$1,500.00 per annum each.

Sec. 6. Legal Representation. The Department Counsel, as provided in Section 5 above, shall represent the Department in all legal proceedings coming before it and to which it may be made a party. The Department may, when in its discretion occasion demands it, require the Attorney General or any other State Agency to aid the Department Counsel in proceedings coming before it or to which it may be made a party and it shall be the duty of the Attorney General of Texas, upon the request of the Department, to appear and represent the Department in all actions and proceedings involving any question arising under the provisions hereof. The Attorney General shall perform such duties and services in connection with this Act and the enforcement thereof as the Department may require. He shall also bring all actions to collect penalties herein provided.

Sec. 7. Any Commissioner of the Department, examiner or any authorized employee of the Department, designated by the Department for that purpose, shall have power in all cases coming before the Department to hold hearings and conduct investigations and to make a record thereof for the use and benefit of the Department, the same as if all three Commissioners of the Department were present, and such Commissioner, Examiner or designated employee is hereby given the authority to administer oaths, certify to all official acts, and compel the attendance of witnesses and the production of papers, books, accounts and all other pertinent documents and testimony, and said record when so made and properly

certified to by such Commissioner, Examiner, or authorized employee, shall have the same force and effect as if made before all of the Commissioners, and cases in which such records are made shall be determined by the Department as if the record had been made before all of the Commissioners.

Any person who shall in any way refuse to comply with any provision of this Act or any person who shall in any way undertake to obstruct or interfere with any proceedings under this Act shall be subject to punishment for contempt by the Department.

Sec. 8. The principal office of the Department shall be in the City of Austin, Texas, and shall be open daily during the usual business hours, Sundays and Legal Holidays excepted. The Department shall hold meetings at its office and at such convenient places in the State as shall be expedient and necessary for the proper performance of its duties.

Sec. 9. Seal. The Department shall have a seal bearing the following inscription: "Public Service Department of Texas." The seal shall be affixed to all authentications of copies of records and to such other instruments as the Department shall direct. All courts of this State shall take judicial notice of said seal.

Sec. 10. Quorum. A majority of the Commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the Commission. No vacancy in the Department shall impair the right of the remaining Commissioners to exercise all powers of the Department. The act of a majority of the Commissioners shall be the act of the Department; but any investigation, inquiry or hearing which the Department has power to undertake or hold may be undertaken or held by or before any commissioner or commissioners, examiner or authorized employee designated for the purpose by the Department.

Sec. 11. Reports and Records. All decisions, orders and records of the Department shall be public records. The Department shall make and submit to the Governor, on or before the first day of February each year, a report containing a full and complete account of its transactions and pro-

ceedings for the preceding calendar year, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the State.

Article IV. Revenue.

Section 1. Every utility subject to the provisions of this Act, on or before the first day of July, 1937, and quarterly thereafter, shall file with the Department a statement, duly verified as true and correct by the President, Treasurer or General Manager, if a company or corporation, or by the owner or one of them if an individual or co-partnership, showing the gross receipts of such utility for the quarter next preceding or for such portion of said quarterly period as such utility may have been conducting any business, and at such time shall pay into the State Treasury at Austin, Texas, a sum equal to one-fourth of one per cent of the gross income received from all business done by it within this State during said quarter, said tax to be in lieu of all other taxes heretofore levied for the purpose of providing funds to aid in regulating the utilities embraced within the provisions of this Act.

Sec. 2. There is hereby created in the State Treasury of Texas a fund to be known as the Public Service Department Fund of Texas. The expenditures of funds of this Department shall be by warrants drawn by the Comptroller's Department as provided by general law. The Public Service Department created by this Act is hereby authorized to pay out of the Public Service Department Fund as herein provided, all reasonable and necessary expenses incurred by the members of said Department, as well as the expenses incurred by the agents, servants and employees of said Department in connection with their duties in carrying out the provisions of this Act.

Article V. Miscellaneous.

Section 1. The Department may furnish its facilities and personnel to any city or town upon request of the governing body of any such city or town for such purposes as said city or town may deem necessary in connection with any utility matters.

Sec. 2. The Department shall immediately promulgate all necessary rules and regulations for carrying out the provisions of this Act.

Sec. 3. Penalties. Any public utility as herein defined violating any provision of this Act or failing to perform any duties herein imposed or failing to comply with any valid order of the Department, when not stayed or suspended by order of the Court, shall be subject to a penalty payable to the State of not less than \$100.00, nor more than \$1,000.00 for each offense, each violation to constitute a separate offense, and each day that such failure continues shall constitute a separate offense.

Sec. 4. Constitutionality. If any part of this Act is decided to be unconstitutional and void, such decision shall not affect the validity of the remaining parts of this Act unless the part held void is indispensable to the operation of the remaining parts. The Legislature hereby declares that it would have passed those parts of this Act which are valid and omitted any parts which may be unconstitutional if it had been advised of such unconstitutionality at the time of the passage of this Act.

Sec. 5. Repeal. Articles 6050 to 6066, inclusive of the 1925 Revised Civil Statutes of Texas, are hereby expressly repealed. All other provisions of existing laws are repealed insofar as they conflict with the provisions of this Act. The tax provided for in Article 6060 shall be paid as provided in said Article up to and including April 1, 1937, and not thereafter. All other laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed, and the duties and powers over any of the utilities coming within the provisions of this Act are hereby transferred to the Public Service Department of Texas, to be hereafter exercised by it as herein directed, provided, however, that nothing herein shall be construed as mitigating or abolishing any penalty, rule or regulation imposed under existing laws, and nothing herein shall be construed so as to affect in any way any suit or cause of action now pending in any court with reference to any order or decree of the Railroad Commission of Texas entered or to be entered before this Act shall become effective. When the Commissioners herein provided for have qualified, the Railroad Commission of Texas shall deliver to the Public Service Department of Texas, all records, papers, documents, reports and such

other data as it has on hand relating to the rates and services of any utility, the jurisdiction over which is transferred by this Act to the Public Service Department.

Sec. 6. The fact that the business of public utilities of this State is one which affects the everyday life of the people of the State generally, and that prompt action is necessary to protect the public generally in the matter of rates and charges for services rendered by such public utilities, and the fact that existing laws of this State provide for no regulatory body having a statewide general jurisdiction of all utilities and the further fact that to protect the public interest involved, it is urgent that a Public Service Department be established and be immediately empowered to assume jurisdiction over the public utilities of this State and to regulate same, have created an emergency and imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three separate days in each House, and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Mr. Leonard moved that House Bill No. 11 be laid on the table.

(Speaker in the Chair.)

Question recurring on the motion to table House Bill No. 11, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—30

Blankenship	Jones of Atascosa
Boyer	Kenyon
Callan	Leonard
Celaya	Leyendecker
Colquitt	McCracken
Davisson	McKee
of Eastland	Morse
Hanna	Nicholson
Harbin	Pope
Hardin	Reed of Bowie
Harrell	Reed of Dallas
Harris of Dallas	Settle
Hoskins	Sewell
James	Smith of Hopkins
Johnson	Stinson
of Tarrant	Wood

Nays—103

Adkins	Amos
Alexander	Baker
Alsop	Bates

Beckworth	Leath
Bell	Little
Boethel	Loggins
Bond	London
Bradbury	Lucas
Bradford	Mann
Bridgers	Mauritz
Broadfoot	Mays
Brown	McConnell
Burton	McDonald
Carssow	McFarland
Cathey	Metcalfe
Cauthorn	Moffett
Cleveland	Monkhouse
Davis of Haskell	Morris
Davis of Jasper	Newton
Davison of Fisher	Oliver
Deglandon	Patterson
Derden	of Travis
England	Petsch
Farmer	Powell
Felty	Prescott
Fielden	Quinn
Fox	Ragsdale
Gibson	Reader
Graves	Rhodes
Hamilton	Riddle
Hankamer	Roark
Harper	Russell
Harris of Archer	Rutta
Harris of Dickens	Schuenemann
Hartzog	Sharpe
Heflin	Skaggs
Herzik	Smith
Holland	of Matagorda
Huddleston	Smith of Tarrant
Hyder	Stocks
Jackson	Talbert
Johnson of Ellis	Tarwater
Jones of Falls	Tennant
Jones of Wise	Tennyson
Keefe	Thornberry
Keith	Thornton
Kelt	Waggoner
Kern	Walker
King	Weldon
Knetsch	Westbrook
Langdon	Winfree
Lankford	Worley
Lanning	

Absent

Cagle	McKinney
Dean	Palmer
Dickison	Ross
Dollins	Shell
Fuchs	Stevenson
Hull	Vale

Absent—Excused

Howard	Patterson of Mills
Jones of Angelina	Simpson

Mr. Brown offered the following amendment to the amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 11, Section 4, line 1, page 4, by striking out the words "in Travis County" and inserting in lieu thereof the following: "in the county in which said city or town or community is located affected by said decision of said Department".

Mr. Reader moved the previous question on the pending amendments, and the engrossment of House Bill No. 11, and the main question was ordered.

Question recurring on the amendment by Mr. Brown, it was adopted.

Question next recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 11 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 11

Mr. Knetsch moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 11 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—102

Adkins	Davisson
Alexander	of Eastland
Alsup	Deglandon
Amos	Derden
Baker	England
Bates	Farmer
Beckworth	Felty
Bell	Fielden
Boethel	Fox
Bond	Gibson
Bradbury	Graves
Bridgers	Hamilton
Broadfoot	Harper
Brown	Harris of Archer
Burton	Harris of Dickens
Carssow	Hartzog
Cathey	Heflin
Cauthorn	Herzik
Cleveland	Holland
Davis of Haskell	Huddleston
Davis of Jasper	Hyder
Davison of Fisher	Johnson of Ellis

Johnson of Tarrant	Patterson of Travis
Jones of Falls	Petsch
Jones of Wise	Powell
Keefe	Quinn
Keith	Ragsdale
Kelt	Reader
Kern	Rhodes
King	Riddle
Knetsch	Roark
Langdon	Ross
Lankford	Russell
Lanning	Rutta
Leath	Schuenemann
Little	Sharpe
Loggins	Smith
London	of Matagorda
Lucas	Smith of Tarrant
Mauritz	Stocks
Mays	Talbert
McConnell	Tarwater
McCracken	Tennant
McDonald	Tennyson
McFarland	Thornberry
Metcalfe	Thornton
Moffett	Waggoner
Monkhouse	Walker
Morris	Weldon
Newton	Westbrook
Oliver	Winfree
Palmer	Worley

Nays—31

Blankenship	Kenyon
Boyer	Leonard
Bradford	Leyendecker
Callan	Mann
Celaya	McKee
Colquitt	Morse
Hankamer	Nicholson
Hanna	Pope
Harbin	Reed of Bowie
Hardin	Reed of Dallas
Harrell	Settle
Harris of Dallas	Sewell
Hoskins	Smith of Hopkins
Jackson	Stinson
James	Wood
Jones of Atascosa	

Absent

Cagle	McKinney
Dean	Prescott
Dickison	Shell
Dollins	Skaggs
Fuchs	Stevenson
Hull	Vale

Absent—Excused

Howard	Patterson of Mills
Jones of Angelina	Simpson

HOUSE BILL NO. 351 ON SECOND READING

On motion of Mr. Davison of Fisher, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 351, A bill to be entitled "An Act empowering the Courts of the State of Texas having original jurisdiction of criminal actions to suspend the imposition or execution of sentence and to place defendants on probation under certain conditions; specifying conditions of probation which, among others, may be imposed; providing for investigation, by probation officers, of the defendants seeking to come within the provisions of this Act; prescribing the period of probation and any extension thereof; providing for the discharge of defendants who have observed the conditions of probation imposed by the courts and the legal effect of such discharge; providing for the arrest, with or without warrant, of defendants on probation, and for the reimposition of sentence without jury trial in the event the conditions of probation have been violated; providing that the court may require bond of the defendant before releasing him on probation, and fixing the conditions of said bond; providing for the appointment of probation officers and the method thereof, and making provision for their compensation and for their necessary expenses, and making an appropriation therefor and for the bonding of such probation officers as shall handle moneys; authorizing the removal or suspension of probation officers under certain conditions; requiring the services of such probation officers to be available, under certain conditions, to judges of other courts, and to Parole Boards in the State of Texas for supervision of paroled convicts; prescribing the duties of such probation officers and the powers of such officers; providing that information obtained by said officers shall be privileged; providing for the transfer of probationers from one district to another under certain conditions; directing the commissioners courts to provide office space for said probation officers; designating 'chief' and 'assistant' probation officers; retaining the effectiveness of the present suspended sentence law

as to all defendants now under such sentence; repealing all laws or parts of laws in conflict herewith; providing that if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of the Act, and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 351 pass to engrossment?

HOUSE BILL NO. 560 WITH SENATE AMENDMENTS

Mr. Alexander called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 560, A bill to be entitled "An Act increasing the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and/or traveling expenses in counties with a population of not less than sixteen thousand six hundred (16,600) and not more than seventeen thousand sixty (17,060) according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Alexander moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 306, to the Committee on Municipal and Private Corporations.

MOTION TO TAKE UP HOUSE BILL NO. 11

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be sus-

pended, and that House Bill No. 11 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—98

Adkins	Langdon
Alsup	Lankford
Amos	Lanning
Baker	Little
Bates	Loggins
Beckworth	London
Bell	Lucas
Boethel	Mauritz
Bond	Mays
Bradbury	McConnell
Broadfoot	McCracken
Burton	McDonald
Carssow	McFarland
Cathey	Metcalfe
Cauthorn	Moffett
Cleveland	Monkhouse
Davis of Haskell	Morris
Davis of Jasper	Newton
Davison of Fisher	Oliver
Davisson	Palmer
of Eastland	Patterson
Deglandon	of Travis
Derden	Petsch
Dickison	Powell
England	Prescott
Farmer	Quinn
Felty	Ragsdale
Fielden	Reader
Fox	Rhodes
Gibson	Riddle
Graves	Roark
Hamilton	Ross
Harbin	Russell
Harper	Rutta
Harris of Archer	Sharpe
Harris of Dickens	Smith
Hartzog	of Matagorda
Heflin	Smith of Tarrant
Herzik	Stocks
Holland	Talbert
Huddleston	Tarwater
Johnson	Tennant
of Tarrant	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Keefe	Waggoner
Keith	Walker
Kelt	Weldon
Kern	Westbrook
King	Winfree
Knetsch	Worley

Nays—33

Blankenship	Bradford
Boyer	Callan

Celaya	Leyendecker
Colquitt	Mann
Hankamer	McKee
Hanna	McKinney
Hardin	Morse
Harrell	Nicholson
Harris of Dallas	Pope
Hoskins	Reed of Bowie
Hyder	Reed of Dallas
James	Settle
Johnson of Ellis	Sewell
Jones of Atascosa	Smith of Hopkins
Kenyon	Stinson
Leath	Wood
Leonard	

Absent

Alexander	Hull
Bridgers	Jackson
Brown	Schuenemann
Cagle	Shell
Dean	Skaggs
Dollins	Stevenson
Fuchs	Vale

Absent—Excused

Howard	Patterson of Mills
Jones of Angelina	Simpson

BILLS SIGNED BY THE
SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 893, "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature as amended by House Bill No. 273, Chapter 264, page 651 of the Acts of the Regular Session of the Forty-fourth Legislature to exempt from the provisions thereof associations which are not operated for profit and which pay no commissions to anyone, and whose operating expense does not exceed One Hundred (\$100.00) Dollars per month, and which limit their membership to employees and the families of employees of any designated firm, corporation, or individual; making certain exemptions from the provisions of the Act; repealing all laws or parts of laws requiring permits or certificates of authority for associations, and declaring an emergency."

H. B. No. 675, "An Act to amend Article 2371 of the Revised Civil Statutes of 1925, by providing that in all counties of this State, having a

dred thousand, according to the last United States census; the Commissioners' Court in such county may expend, in furnishing a rest-room for women in the court house, or in court house buildings, or on court house grounds, a sum not to exceed Three Hundred Dollars; and may expend for its maintenance, including the compensation paid by the county to the matron, an amount not to exceed One Hundred Dollars per month, and declaring an emergency."

H. B. No. 1086, "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the Justice of the Peace shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2,400.00) Dollars, and declaring an emergency."

H. B. No. 823, "An Act to amend Section 1, of Chapter 473, page 1866, Second Called Session, Forty-fourth Legislature, by removing the population classification therefrom, and declaring an emergency."

H. B. No. 1065, "An Act to amend Section 12, Senate Bill No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the special Ninth District Court of Montgomery, Polk, and San Jacinto Counties, Texas."

H. B. No. 438, "An Act to amend Chapter 51, Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature as amended by Chapter 36, General Laws passed at the Regular Session of the Forty-third Legislature, pertaining to San Antonio Independent School District, by adding thereto Section 6-a, authorizing the district to borrow money and to pledge its delinquent taxes levied for maintenance and operation expenses as security for such loans, ratifying and confirming such actions heretofore taken by the district and its governing board, and declaring an emergency."

H. B. No. 1023, "An Act creating a special road law for Jeff Davis County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of February 1, 1937, setting forth the method of operation; validating all acts and proceedings heretofore had by the Commissioners Court of said County and officers thereof in respect to the funding or refunding of said indebtedness; validating certain items of indebtedness heretofore authorized by said Commissioners Court; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding and refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 233, "An Act authorizing Mrs. Fannie Williams, a widow, to sue the State of Texas and/or the State Highway Commission in its official capacity, on account of damages to Block 28—A Williams Addition to Waxahachie, Ellis County, Texas, by reason of the construction over and maintenance across said lot of State Highway No. 6, being United States Highway No. 77, as constructed and maintained across and upon said lands by the State Highway Commission of Texas, fixing the venue of such suit and providing for the issuance and service of process therein."

H. B. No. 654, "An Act providing for and authorizing 'Marketing Agreements' with respect to citrus fruits or citrus fruit; authorizing the Commissioner of Agriculture of the State of Texas to enter into 'Marketing Agreements' with producers, shippers and/or handlers thereof in interstate commerce; setting forth the imperative necessity therefor; . . . etc., and declaring an emergency."

H. B. No. 861, "An Act authorizing political subdivisions of the State of Texas to lease lands owned by such subdivisions for mineral development purposes and prescribing the method and manner of making such leases, and declaring an emergency."

ADJOURNMENT

Mr. Blankenship moved that the House recess until 7:30 o'clock p. m., today.

Mr. Thornton moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Quinn moved that the House adjourn until 9:00 o'clock a. m., tomorrow.

Question recurring on the motion to adjourn until 9:00 o'clock a. m., tomorrow, it was lost.

Question next recurring on the motion to adjourn until 10:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—96

Adkins	Knetsch
Alexander	Lankford
Alsup	Lanning
Baker	Leath
Bates	Little
Bell	London
Bond	Mauritz
Boyer	Mays
Bradford	McConnell
Bridgers	McCracken
Broadfoot	McDonald
Callan	McFarland
Carssow	McKee
Cathey	McKinney
Cauthorn	Metcalf
Celaya	Moffett
Cleveland	Monkhouse
Colquitt	Morse
Davisson	Newton
of Eastland	Nicholson
Deglandon	Oliver
Derden	Palmer
Dickison	Petsch
England	Pope
Farmer	Powell
Felty	Prescott
Fox	Reed of Bowie
Gibson	Reed of Dallas
Hankamer	Riddle
Hanna	Ross
Hardin	Russell
Harper	Rutta
Harris of Dallas	Schuenemann
Hartzog	Sewell
Heflin	Shell
Herzik	Smith of Hopkins
Huddleston	Smith
Hyder	of Matagorda
Jackson	Smith of Tarrant
James	Stevenson
Johnson	Stinson
of Tarrant	Stocks
Jones of Atascosa	Talbert
Jones of Falls	Tarwater
Keefe	Thornberry
Keith	Thornton
Kenyon	Waggoner

Walker
Westbrook
Winfree

Wood
Worley

Nays—40

Amos	King
Beckworth	Langdon
Blankenship	Leonard
Boethel	Loggins
Bradbury	Lucas
Burton	Mann
Davis of Haskell	Morris
Davis of Jasper	Patterson
Davison of Fisher	of Travis
Fielden	Quinn
Graves	Ragsdale
Hamilton	Reader
Harbin	Rhodes
Harrell	Roark
Harris of Archer	Settle
Holland	Sharpe
Hoskins	Skaggs
Johnson of Ellis	Tennant
Jones of Wise	Tennyson
Kelt	Weldon
Kern	

Absent

Brown	Harris of Dickens
Cagle	Hull
Dean	Leyendecker
Dollins	Vale
Fuchs	

Absent—Excused

Howard	Patterson of Mills
Jones of Angelina	Simpson

The House, accordingly, at 5:45 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Education: House Bill No. 1154.

Counties: House Bill No. 1155.

Conservation and Reclamation: Senate Bills Nos. 309 and 466.

Judiciary: Senate Bills Nos. 331, 477 and 480.

Judicial Districts: Senate Bills Nos. 486 and 496.

Game and Fisheries: House Bill No. 1149.

Live Stock and Stock Raising: House Bill No. 1061.

Oil, Gas and Mining: Senate Bill No. 405; House Bill No. 1104.

Public Health: House Bill No. 376.

Rules: House Concurrent Resolution No. 116.

State Affairs: House Concurrent Resolutions Nos. 89 and 90.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 547, A bill to be entitled "An Act to declare a State Policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory and making an appropriation therefor, stating a contingency upon which said appropriation is made; providing for the location of said laboratory, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WESTBROOK, Vice-Chairman.

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 456, A bill to be entitled "An Act providing that on and after April 1st, 1937, delinquent taxpayers shall be permitted to pay such taxes in partial payments; providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a ten month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the District Attorney or Criminal District Attorney against such delinquent taxpayers upon default in making such payments under this system; providing that no such payments shall be received by the Assessor and Collector of Taxes, which payments total less than \$1.00, and further, that accounts for less than \$10.00 will not be opened; pro-

viding that when the sum of money sufficient to pay the earliest unpaid year of delinquent taxes owed by such taxpayer shall have been paid, such amount shall then be applied upon such taxes, and a redemption receipt issued therefor; providing that all of the funds received under the provisions of this Act shall immediately become the property of the State of Texas and the respective county involved, and that no refunds shall be allowed; providing that the Assessor and Collector of Taxes may, in his discretion, allow the amount or amounts already paid into such partial payment account to be applied upon such taxes in the event the property covered is sold or transferred; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WESTBROOK, Vice-Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 110, Granting Floyd Arnwine permission to bring suit against the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 137, "An Act authorizing trustees of common school districts and consolidated common school districts to make contracts with superintendents, principals, and teachers, with the approval of the County Superintendent; providing for the length of time of such employment; providing newly elected trustees may not sign contracts until they have qualified and have taken the oath of office, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 146, "An Act amending Article 5142 of the Revised Civil Statutes of Texas of 1925, as amended by the Acts of 1927, Fortieth Legislature, Chapter 228; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main purpose of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 392, "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 441, "An Act to amend Article 7064, Revised Civil Statutes of Texas of 1925, as amended by House Bill No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature of 1936; and to repeal Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session, as relates to the payment of taxes; and to amend Article 4769, Revised Civil Statutes of Texas of 1925, as amended by said House Bill No. 8 above referred to; and to amend Article 7064a, as enacted by House Bill No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature aforesaid; amending Article 7064 relating to insurance companies, corporations, reciprocals, and other organizations or concerns transacting the business of fire, marine, marine inland, accident, credit,

title, livestock, fidelity, guaranty, surety, casualty, or any other kind or character of insurance business other than life insurance and fraternal benefit associations; and providing for annual reports of gross premiums and fixing the tax thereon for insurance carriers doing business in this State, and providing for certain investments in this State by which the rate of taxation is reduced, and providing that no such organization shall be licensed until the taxes provided for are paid, and excluding any other tax, except the maintenance tax provided for under Article 4902 and the tax on Workmen's Compensation Insurance provided for in Article 4906, Revised Civil Statutes of Texas of 1925, taxes provided in House Bill 258, Acts of the Forty-fifth Legislature, Regular Session, and providing that no other tax shall be levied or collected by any county, city, or town except upon real and personal property of such insurance carriers, and excluding from the operation thereof mutual fire insurance companies carried on by the members solely for their protection and not for profit; and further providing for the taxing of foreign assessment life and casualty companies admitted to do business in Texas under Chapter 5, Title 78, Revised Civil Statutes of Texas of 1925; and amending Article 7064a providing for a tax of every group of individuals, society, association, or corporation domiciled in the State of Texas and transacting the business of life, accident, or life and accident, health and accident insurance for profit or for mutual benefit or protection; providing for the filing of an annual report to the Insurance Commissioner of the gross amount of premiums received from and upon the lives of persons residing in the State of Texas during the preceding year and providing for a tax of one-half of one per cent on such gross premium receipts, and excluding local mutual aid associations therefrom and specifying and providing for deductions from the gross premiums of the cost of reinsurance in companies licensed to do business in this State, and for deduction of acquisition costs of all of the first year's premiums except on industrial business, and permitting one and one-half times the first year's premiums as acquisition costs on industrial business, and providing the time for payment of said

taxes and the issuing of receipts therefor; and providing that the taxes provided for shall be all the taxes and fees collected from such companies except those provided for under Article 3920 as amended by Acts of the Forty-second Legislature of 1931, Chapter 152, Section 1, and Articles 4902 and 4906, Revised Civil Statutes of Texas of 1925; and amending Article 4769 with reference to life insurance companies not organized under the laws of this State but transacting business in this State; and providing for the time and manner of making annual reports to the Commissioner, the same to show the gross premium receipts for the preceding year and fixing a tax of three and three-fourths (3¾) per cent on such gross premium receipts, and providing for the reduction of said tax by reason of certain specified investments in Texas securities and defining the same; and further providing that this Act shall not affect the obligation for the payment of taxes which have accrued and that are now due; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1008, "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of providing for the registration, preservation of the purity of blood, and improvement in the breeding of any species or class of livestock, and to keep, maintain, and publish in suitable form the history, record, and pedigree thereof; providing corporations may be created for the purpose of purchasing and owning patents and to manufacture products thereunder and to market, sell, and distribute same and license dealers to use such processes; providing corporations may be created for the purpose of providing for the mutual protection of members of voluntary Nonprofit Livestock Associations and to promote generally the welfare of the livestock industry of

the State and Nation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1091, "An Act validating the creation and organization of independent school districts; validating the actions of any County Board of Trustees with reference to the creation of school districts out of another independent school district; making this Act applicable to certain counties according to the last preceding Federal Census; providing that no part of this Act shall affect any litigation now pending, and that only acts passed by four-fifths majority of the County Board of Trustees shall be valid, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1108, "An Act amending Article 2327a, Revised Civil Statutes of Texas, 1925, as amended by Chapter 59, Acts of the Forty-first Legislature, Second Called Session, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1115, "An Act to validate the organization and creation of all county line rural high school districts, created by General Law or by County Boards of Trustees; validating the acts of said County Boards of Trustees and Boards of Trustees of such districts; validating all proceedings and acts of said Boards of Trustees; validating all bonds authorized by said districts; validating all

tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act, or acts of said districts, or by any Act of the Legislature; making certain exemptions; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1137, "An Act appropriating any and all unexpended balances remaining of that certain appropriation made by the Forty-fourth Legislature, Regular Session, 1935, Section Seven of Chapter 131, being Senate Bill No. 467, as shown by the Acts of said Session, page 359, et seq., for the location, establishment, erection, equipment, and completion of a Tuberculosis Sanatorium for Negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing the rules and regulations governing the expenditure thereof, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 81, Granting Cleo Fletcher the right to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 114, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 654.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 823, "An Act to amend Section 1, of Chapter 473, page 1866, Second Called Session, Forty-fourth Legislature, by removing the population classification therefrom, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1065, "An Act to amend Section 12, Senate Bill No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, and San Jacinto Counties, Texas."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 654, "An Act providing for and authorizing 'marketing agreements' with respect to citrus fruits or citrus fruit; authorizing the Commissioner of Agriculture of the State of Texas to enter into 'marketing agreements' with producers, shippers, and/or handlers thereof in interstate commerce; setting forth the imperative necessity therefor; defining terms; prescribing duties and powers of the Commissioner of Agriculture of the State of Texas with respect thereto; authorizing the giving of notice in prescribed manner, and hearing after notice, and determination of facts incident to marketing agreements; providing for the granting of licenses or orders in connection therewith and prescribing the terms thereof; providing for the revocation and suspension of same; providing what may be embraced in such marketing agreements; providing for the se-

lection of administrative committee or committees; providing for suspension or termination of marketing agreements and licenses or orders issued thereunder; providing for enforcement of such marketing agreements or licenses or orders; providing for suits by designated State officers or administrative agencies upon complaint of the violation of the terms of this Act or any marketing agreement executed thereunder or licenses or orders issued pursuant thereto; providing for fees and assessments under this Act and under marketing agreements executed and issued in pursuance of this Act; providing for the collection, handling, and accounting for such fees and assessments under this Act; providing for keeping of prescribed records and furnishing information to Commissioner of Agriculture and to the Legislature of the State of Texas respecting transactions under this Act; providing for amendments to such marketing agreements and licenses or orders and the manner of effecting same; defining offenses and prescribing penalties and punishments therefor and how applied; providing saving clause in Act; providing Act may be cited as 'Texas Citrus Marketing Act'; providing the area where effective; providing nothing in this Act shall alter, repeal, change or modify the antitrust laws of this State; providing authority for Commissioner of Agriculture to issue process for witnesses and enforce their attendance; providing for immunity from punishment for anyone giving evidence tending to incriminate himself; providing for immunity from punishment under the law against monopolies or combinations in restraint of trade where act done was in pursuance of this Act; providing for cooperation by the Commissioner of Agriculture of the State of Texas with other States and with the United States, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 675, "An Act to amend Article 2371 of the Revised Civil

Statutes of Texas of 1925, by providing that in all counties of this State, having a population of more than three hundred thousand (300,000), according to the last United States Census, the Commissioners Court in such county may expend, in furnishing a rest room for women in the courthouse, or in courthouse buildings, or on courthouse grounds, a sum not to exceed Three Hundred (\$300.00) Dollars; and may expend for its maintenance, including the compensation paid by the county to the matron, an amount not to exceed One Hundred (\$100.00) Dollars per month, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 233, "An Act authorizing Mrs. Fannie Williams, a widow, to sue the State of Texas and/or the State Highway Commission in its official capacity, on account of damages to Block 28-A Williams Addition to Waxahachie, Ellis County, Texas, by reason of the construction over and maintenance across said lot of State Highway No. 6, being United States Highway No. 77, as constructed and maintained across and upon said lands by the State Highway Commission of Texas, fixing the venue of such suit and providing for the issuance and service of process therein, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 438, "An Act to amend Chapter 51, Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature as amended by Chapter 36, General Laws passed at the Regular Session of the Forty-third Legislature, pertaining to San Antonio Independent School District, by adding thereto Section 6a, authorizing the District to borrow money and to

pledge its delinquent taxes levied for maintenance and operating expenses as security for such loans; ratifying and confirming such actions heretofore taken by the District and its governing board, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1023, "An Act creating a Special Road Law for Jeff Davis County, Texas; providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of February 1, 1937; setting forth the method of operation; validating all acts and proceedings heretofore had by the Commissioners Court of said County and officers thereof in respect to the funding or refunding of said indebtedness; validating certain items of indebtedness heretofore authorized by said Commissioners Court; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding and refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 112, Recalling House Bill No. 1016 from the Senate.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 975, "An Act making a supplemental appropriation out of the

General Revenue of the State of Texas for the Department of Agriculture; for the Attorney General's Department; for the State Parks Board; for the State Service Officer; for the Department of Public Safety for the support and maintenance of the Bureau of Identification and Records and of the Intelligence Bureau of said Department; for the State Treasury Department; for the General Land Office; for the Crippled Children's Division of the State Department of Education, for the State Judiciary, for the Supreme Court, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 30, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 893, "An Act to amend

Section 6 of House Bill No. 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature as amended by House Bill No. 373, Chapter 264, page 651 of the Acts of the Regular Session of the Forty-fourth Legislature to exempt from the provisions thereof associations which are operated for profit and which pay no commissions to anyone, and whose operating expense does not exceed One Hundred (\$100.00) Dollars per month, and which limit their membership to employes and the families of employes of any designated firm, corporation, or individual; making certain exemptions from the provisions of the Act; repealing all laws or parts of laws requiring permits or certificates of authority for associations, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

In Memory of
Mrs. W. C. Jackson

Mr. Hardin offered the following resolution:

Whereas, The House of Representatives has just learned with regret of the death of Mrs. W. C. Jackson; and

Whereas, Mrs. Jackson was an honorable and valuable citizen in the State of Oklahoma and her death is recognized as a distinct loss to her community and her State; and

Whereas, Mrs. Jackson was a sister-in-law of our beloved and honored Member, Mr. Cecil Rhodes; now, therefore, be it

Resolved by the House of Representatives, That the Members thereof deeply regret the untimely passing of this noble and worthy character, and extend our sincere sympathy to her beloved family; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today, in memory of the deceased, and when the House adjourns today that it do so in respect and in memory of Mrs. W. C. Jackson; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to forward a copy of this resolution to the family of Mrs. W. C. Jackson.

HARDIN,
HUDDLESTON,
PRESCOTT.

The resolution was read second time, and was unanimously adopted.

In Memory of
Mr. George A. Adams

Mr. McDonald offered the following resolution:

Whereas, Death is no respecter of persons, and as the years pass and age creeps up with unerring certainty, and the inescapable edict of the Grim Reaper falls, much as we may seek to defer it; and

Whereas, Mr. George A. Adams of Bryan, Brazos County, Texas, died on April 29, 1937; and

Whereas, Mr. Adams was one of the outstanding civic, business and religious leaders of Central Texas, some chief events in his life being: Born at Bryan, Texas, in 1880 and lived there practically all of his life, he was the son of the late Captain and Mrs. J. J. Adams, pioneer citizens of Brazos County. At the time of his father's death he served out his unexpired term as Tax Collector and then went into the insurance business in 1900. He was widely known in insurance circles in Texas having been active in the affairs of the Texas Association of Insurance Agents, serving as President and in other official capacities. Mr. Adams had long been active in the civic and church affairs, being prominent in the First Christian Church. He was a charter member of the Bryan Rotary Club, and he had always been active in the Bryan and Brazos County Chamber of Commerce, serving many terms on the Board of Directors; and

Whereas, throughout his life Mr. Adams was recognized as a Christian gentleman, a civic minded patriotic citizen and a man that was unselfish in his efforts to build up the community in which he lived, and a man who reflected honor upon his city and State; therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature, That we deplore the untimely death of Mr. George A. Adams and express our sincere regrets to the members of his family and that when the House adjourns today it do so in honor of his memory and that a page of the Journal be set apart for the enrollment of this resolution and that a copy of this resolution be furnished to the members of his family.

The resolution was read second time, and was unanimously adopted.

In Memory of
Mr. M. T. Oliver

Mr. Davis of Jasper offered the following resolution:

Whereas, On April 30, 1937, the Supreme Architect of the Universe in His infinite wisdom called from this earth W. T. Oliver of Center, Texas; and

Whereas, W. T. Oliver was the brother of our esteemed fellow Member, the Honorable J. J. Oliver; now, therefore, be it

Resolved by the House of Representatives, That the House extends its deepest sympathy at this hour of bereavement to the family and friends of W. T. Oliver; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today, in memory of the deceased; and, be it further

Resolved, That a copy of this resolution be sent by the Chief Clerk of the House of Representatives to the family of the deceased.

DAVIS of Jasper,
WESTBROOK.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Winfree, Wood and Worley.

On motion of Mr. Bates, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of
Mrs. J. A. Morris

Mr. Westbrook offered the following resolution:

Whereas, Death is no respecter of persons, and as the years pass and age creeps up with unwavering certainty, the once vigorous body becomes inactive and the edict ever issued is accepted; and

Whereas, It has pleased Almighty God to call from our midst the soul of Mrs. Dr. J. A. Morris, the dear loving mother of the Honorable M. A. Morris who has been serving the State of Texas in the Department of Agriculture for the past several years; and

Whereas, The deceased was one among the most prominent citizens of East Texas and the wife of Dr. J. A. Morris of San Augustine, Texas; and

Whereas, Our deepest and most heartfelt sympathy at this time of bereavement goes out to this noble family; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we now express to this family of the deceased our sincere sympathy in this hour of bereavement, and that the Chief Clerk be instructed to send copies of this resolution to the members of the family of the deceased.

The resolution was read second time, and was unanimously adopted.